



AGENDA
REGULAR MEETING OF THE PLANNING
COMMISSION OF THE CITY OF DUARTE

MONDAY, OCTOBER 17, 2022
7:00 PM

DUARTE COMMUNITY CENTER, 1600
HUNTINGTON DRIVE, DUARTE, CA 91010

MISSION STATEMENT

With integrity and transparency, the City of Duarte provides exemplary public services in a caring and fiscally responsible manner with a commitment to our community's future

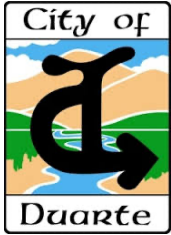
1. CALL TO ORDER AND NOTATION OF ANY ABSENCES
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES
 - A. Minutes for July 18, 2022
4. ORAL COMMUNICATIONS - ITEMS NOT IN THE AGENDA
5. BUSINESS ITEMS
6. PUBLIC HEARINGS:
 - A. A request to expand operating hours for an existing gym located at 1750 Huntington Drive. Proposed hours are 5:00 AM to 9:00 PM.

PC RESOLUTION 22-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST FOR A MINOR USE PERMIT FOR AN EXISTING GYM TO EXPAND OPERATING HOURS AT ITS LOCATION AT 1750 HUNTINGTON DRIVE, UNIT A MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE DEVELOPMENT CODE 19.114.050(B) AND THUS APPROVES MINOR USE PERMIT 22-01 SUBJECT TO CONDITIONS OF APPROVAL.

7. ITEMS FROM DIRECTOR
8. ITEMS FROM COMMISSIONERS
9. ADJOURNMENT: Monday, November 21, 2022

MINUTES



MINUTES
CITY OF DUARTE
PLANNING COMMISSION

July 18, 2022

Planning Commission
Commissioners
Sara Vasquez, Chair
Tina Heany, Vice-Chair
Danny Ramirez
Wally Wolff

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Vice-Chair Heany called the meeting to order at 7:00 p.m. The following were in attendance:

PRESENT:	Heany, Ramirez and Wolff
ABSENT:	Vasquez
STAFF:	Hensley, Golding, Baldwin, McCurley, Nash, Bautista
CITY ATTORNEY:	None

2. PLEDGE OF ALLEGIANCE:

Wolff led the Pledge of Allegiance.

3. APPROVAL OF MINUTES: June 6, 2022

Wolff motioned to approve the June 6, 2022, minutes, seconded by Ramirez. The motion carried 3-0-0-1. (Yes: Heany, Wolff, Ramirez; No: None; Abstain: None; Absent: Vasquez).

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

None.

5. BUSINESS ITEMS:

None.

6. PUBLIC HEARINGS:

- A. Conditional Use Permit 22-01.** HumanGood SoCal is requesting approval of a Conditional Use Permit to allow the sale of beer, wine, and distilled spirits for on-site consumption at the senior care facility named "Westminster Gardens".

Scott Nash, Community Development Technician, provided the staff report and discussed the context of a Type 47-ABC license, the areas throughout campus in which alcohol will be served, storage locations of alcohol, and limited special events held on site. Nash also spoke on some of the conditions of approval. There were no comments from the commissioners or the public.

The applicant, Steve Rawlings, stated HumanGood SoCal agrees to all the draft conditions of approval given by the City of Duarte.

Action

Motion made by Wolff and Seconded by Ramirez to approve CUP 22-01. The motion carried 3-0-0-1. (Yes: Heany, Wolff, Ramirez; No: None; Abstain: None; Absent: Vasquez).

7. ITEMS FROM DIRECTOR:

Hensley provided development updates on various businesses/projects and answered questions from the Commission.

8. ITEMS FROM COMMISSIONERS:

None.

9. ADJOURNMENT: Monday, August 15, 2022

Wolff moved to adjourn at 7:26 p.m., seconded by Heany. The next meeting is scheduled for Monday, August 15, 2022.

Craig Hensley, Secretary

**1750 HUNTINGTON
DRIVE, UNIT A
MUP 22-01**



PLANNING COMMISSION STAFF REPORT

Date: October 17, 2022

Project: Minor Use Permit (MUP) 22-01

Subject: Gym Operating Hours Expansion

Location: 1750 Huntington Drive, Unit A

Applicant: Aaron Mireles

SUMMARY

The business owner, Aaron Mireles, is requesting to expand the hours of operation for his Powerhouse Fitness gym located at 1750 Huntington Drive, Unit A. The gym was approved in 2018 by MUP 18-02 at which time the hours of operation were limited to select appointment-based times between the hours of 6 AM and 7 PM.

BACKGROUND

The subject business is located within a commercial shopping center at the southwest corner of Highland Avenue and Huntington Drive that is within the Duarte Town Center Specific Plan. It is the corner unit that has its main frontage on Huntington Drive and has a secondary frontage on Highland Avenue. The unit is 2,400 square feet in size and abuts a medical office use. Parking for the gym is in a shared parking lot located in the center of the property and also along a strip of parking spaces located at the southern edge of the property.

The existing business operates as a fitness training studio that offers one-on-one instruction as well as small group classes. Clients seeking personal training attend on an appointment-basis only and no walk-in customers are permitted. Participants in group exercise attend classes that occur Monday through Saturday at set times on a schedule approved under the original MUP. The facility itself is has the floor space divided up by different exercise functions, which include areas for free weights, exercise machines, stretching, and punching bags (See Exhibit B, Architectural Plans/Interior Photos).

In 2018, a previous business owner received approval for the gym use at this location through the approval of MUP 18-02 (Exhibit C). The business hours are Monday through Friday from 6 AM to 10 AM and from 5 PM to 7 PM and on Saturday and Sunday from 8 to 9 AM. Classes were limited to nine people including the trainer.

Health club uses are permitted in the Mixed Use Corridor land use designation of the Duarte Town Center Specific Plan zone with the approval of a Minor Use Permit. Per the Duarte Development Code, Minor Use Permit applications are subject to the approval of the Community Development Director. Notice is required to be provided to the property owners within a 600 square foot radius of the proposed use and comments can be provided to the Director during that notice period.

Chapter 19.60.110 of the Duarte Development Code requires the approval of a conditional use permit for late night business, when business hours extend between the hours of midnight and 6:00 AM. In this case, since the underlying requirement for this use is a minor use permit and because the determination has been to have this item heard by the Planning Commission, the application is referred to as a minor use permit. The item has been noticed and conditions are being imposed by Resolution as if it were a conditional use permit.

ANALYSIS

Project Proposal

The applicant is seeking to expand the operating hours of the business to better accommodate the schedules of his members. Currently the earliest class begins at 6 AM and the proposal is to adjust this start time to 5 AM. In the evening, the current schedule requires the last class to finish at 7 PM, but the proposal is to have classes until 9 PM (See Exhibit D for full proposed schedule). With the exception of the operating hours, no other changes are proposed. The gym operations, staffing, and other characteristics of the business would remain unchanged.

Sound

The gym/health club use is associated with some degree of noise. Common sources of noise for this use come from use of the exercise equipment, communication between trainer and students, and the music that is played in the background. Accordingly, it is important to incorporate practices that limit noise levels to avoid creating noise impacts that negatively effect the adjacent tenants in the commercial center and nearby residents. The current conditions of approval that address noise prohibit outdoor activities, prohibit outdoor speakers, and limit noise to levels established in section 9.68 of the Duarte Municipal Code.

From 2019 to the present, there have been several noise complaints. The Public Safety Department was able to substantiate a few of these complaints and the business owner was advised by the Sherriff's Department to reduce the volume of the music on at least one occasion. The business owner acknowledged that there was a conflict regarding noise with the adjacent unit years ago, but that issue had been resolved through the adjustment of the class schedule so that the gym hours do not overlap with the medical office hours. Recently, Staff also observed that music was audible well outside the business due to the doors of the business being left open during class. Stronger measures to ensure that noise impacts do not occur, are warranted given the history for this business. The proposed conditions of approval are as follows:

- The business owner, and/or all representatives, shall ensure that participants of the classes that start prior to 8 AM do not congregate, linger, and/or make unnecessary noise in the parking lot or outside of their business.
- All fitness related activities shall be held indoors. Exterior doors and windows must remain in a closed position when classes or other noise-generating activities are occurring within the building. Any fitness, training, or other business-related activities occurring outdoors, in the parking lot, and/or throughout the shopping center are prohibited. The use of fitness and training equipment outdoors is prohibited.
- Music, noise-generating equipment, or any other business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses.

Furthermore, music shall not be played at a volume that is audible outside the business. In no case shall live music be permitted in association with this business or minor use permit approval.

- In the event of substantiated noise issues, the Community Development Director may require the applicant to pay for the preparation of a noise study, prepared by a professional noise or acoustics consultant of the City's selection. Adherence to the study's recommendations will be required of the applicant. Failure to promptly comply with this requirement will result in a modification/revocation hearing before the Planning Commission.

Operating Hours

The gym currently operates Monday through Saturday in the mornings and evenings with 15-minute gaps between classes, more specifically shown in Table A below. These hours are generally outside of standard business hours, which means that the business largely does not compete with the other uses in the center for parking and has a lower potential to create noise impacts for the other commercial uses in the shopping center (See Exhibit E, Shopping Center Hours of Operation). Given that the gym is proximate to residences, it is residential users that have the highest potential to be impacted by operating hours in the early morning and into the night. Since 2018, when the business has been in operation, a nearby resident complained that the business was operating outside approved business hours and the business was cited by Code Enforcement on one occasion for operating at 5 AM. The 5-6 AM hour is very quiet due to lack of activity on the street and therefore it is a sensitive time for noise impacts. The operation of the gym business at this hour would necessitate strict adherence to the proposed conditions of approval to prevent disruptions for the residents in the area.

Table A: Proposed Operating Hours		
	<u>AM</u>	<u>PM</u>
Monday	5 - 9:45	5 – 8:45
Tuesday	5 - 9:45	5 – 8:45
Wednesday	5 - 9:45	5 – 8:45
Thursday	5 - 9:45	5 – 8:45
Friday	5 - 9:45	5 – 6:45
Saturday	7:30 – 9:15	closed
Sunday	closed	closed

Parking

The subject property is developed with 94 parking spaces. The gym/health club use requires 1 parking spaces per 200 square feet of floor area resulting in a parking requirement for the use of 12 spaces. The property as a whole is deficient in parking by 22 parking spaces. The project proposal does not include any expansion of square footage, so the parking requirement for the use remains unchanged from the existing use; however, with the expansion of hours, the intensity of use within the unit increases. The proposal is to expand the operating hours to include 5-6 AM and 7-9 PM, which are outside normal business hours at a time when the demand for parking on the property is low. The proposed expansion is not anticipated to create a parking impact for the site or the neighborhood.

Remedies for Non-Compliance with Conditions of Approval

If this proposal is approved, strict new conditions of approval will be added to the existing conditions of approval, all of which will apply to the business. These conditions are intended to prevent this business from creating adverse impacts for the neighboring business and residents. The strongest of these conditions allow for the Planning Commission to reconsider their decision and possibly revoke the use permit as articulated in the condition below:

- This Minor Use Permit may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the health and fitness facility, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the Minor Use Permit may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this Minor Use Permit before the Community Development Director pursuant to Section 19.152.030 of the Duarte Development Code.

RECOMMENDATION

A condition of approval is included that allows for this project to be called to hearing before the Planning Commission for failure to comply with the conditions of approval pertaining to noise and operating hours. Staff's recommendation is made with the clear understanding that this condition will be exercised if necessary. Staff recommends the Planning Commission review and adopt PC Resolution 22-07 (Exhibit A) approving MUP 22-01 for the project proposal at 1750 Huntington Drive, Unit A.

Enclosed: Exhibit A: Resolution 22-07 and Conditions of Approval
 Exhibit B: Architectural Plans/Interior Photos
 Exhibit C: MUP 18-02 Staff Report and Conditions of Approval
 Exhibit D: Proposed Operating Hours for Gym Use
 Exhibit E: Shopping Center Operating Hours

EXHIBIT A

RESOLUTION NO. PC 22-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST FOR A MINOR USE PERMIT FOR AN EXISTING GYM TO EXPAND OPERATING HOURS AT ITS LOCATION AT 1750 HUNTINGTON DRIVE, UNIT A MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE DEVELOPMENT CODE 19.114.050(B) AND THUS APPROVES MINOR USE PERMIT 22-01 SUBJECT TO CONDITIONS OF APPROVAL

WHEREAS, on October 17, 2022, Aaron Mireles of Powerhouse Fitness submitted an application requesting approval of a Minor Use Permit for the expansion of the operating hours for the existing gym at 1750 Huntington Drive, Unit A; and

WHEREAS, gyms/health clubs are permitted with a Minor Use Permit within the Mixed Use Corridor land use designation of the Duarte Town Center Specific Plan zone; and

WHEREAS, Chapter 19.60.110 of the Duarte Development Code requires the approval of a use permit when a commercial business regularly maintains business hours between the hours of midnight and 6 AM; and

WHEREAS, Section 19.114.040 through 19.114.050 of the Duarte Development Code authorizes the Planning Commission to consider such requests subject to certain findings; and

WHEREAS, the Community Development Department has reviewed the project with respect to environmental impact and has determined that the application is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of Title 14 of the California Code of Regulations; and

WHEREAS, a notice of a public hearing on the proposed Conditional Use Permit was published in the local newspaper, posted at three (3) public locations, and mailed to all property owners within 600 feet of the property in accordance with applicable law; and

WHEREAS, the Planning Commission of the City of Duarte held a duly noticed public hearing on October 17, 2022 at 7 PM, whereupon the Planning Commission received and considered the staff report and all of the information, evidence, and public testimony presented in connection with the foregoing public hearing on the proposed Minor Use Permit.

NOW, THEREFORE, the Planning Commission of the City of Duarte resolves as follows:

SECTION 1. That the Planning Commission approves PC Resolution 22-07 with conditions of approval, approving the request for Minor Use Permit 22-01 at 1750 Huntington Drive, Unit A.

SECTION 2. All of the facts set forth in the Recitals of this Resolution are true and correct, and incorporated herein by this reference.

SECTION 3. The Planning Commission finds and determines as follows, that:

1. *The proposed use is consistent with the General Plan.*

The proposed gym/health club is consistent with Land Use Goal 1 and 2 of the General Plan, as it helps maintain a balanced community consisting of various commercial activities, and helps develop compatible and harmonious land uses by providing a mix of uses in such a way to encourage “one-stop” shopping.

2. *The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code.*

The gym/health club offers a variety of fitness related activities to members in a scheduled class format. The Duarte Town Center Specific Plan requires health and fitness facilities equal to or greater than 2,001 square feet within the Mixed Use Corridor to obtain a Minor Use Permit.

3. *The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity.*

The existing fitness establishment will occupy one of the 20 tenant spaces in one of the multi-tenant buildings located on the southwest corner of Huntington Drive and Highland Avenue. The tenant space is approximately 2,400 square feet and sufficient in size for the business operation.

4. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

The gym/health club is required to obtain a Minor Use Permit to operate within the Duarte Town Center Specific Plan. The business operates as a fitness facility that provides members with access to a variety of training equipment. The operation’s instructional training sessions accommodate a maximum of nine participants and one trainer with a duration of 45 minutes per class. Additionally, all workouts will occur inside the tenant space only. The nature of the business, schedule, and class size will produce a low intensity operation that is unlikely to create a negative impact on the shopping center, surrounding businesses, or the community provided the conditions of approval are followed.

5. *The subject site is:*

- a. *Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*
- b. *Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.*

The subject site is within the Duarte Town Center Specific Plan, located within a commercial center at the southwestern corner of Huntington Drive and Highland Avenue, in proximity to the 210 Freeway. The shopping center is designed and developed to accommodate a variety of retail, service and restaurant uses, with adequate vehicle and pedestrian circulation in and out of the shopping center. The center is accessible from multiple approaches along Huntington Drive and Highland Avenue. The gym will occupy one large tenant space within the commercial center. The remainder of the center will be unaffected.

SECTION 4. The Planning Commission approves Minor Use Permit 22-01 based on the findings listed in Section 3 and the conditions listed in Exhibit A-1 attached to this Resolution.

SECTION 5. The approval of Minor Use Permit 22-01 by the Planning Commission is categorically exempt from CEQA pursuant to Section 15301, Class 1 of Title 14 of the California Code of Regulations, and no further environmental review is necessary.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 17th day of October, 2022.

Sara Vasquez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF DUARTE

I, Craig Hensley, Community Development Director of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on October 17, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT A-1

CONDITIONS OF APPROVAL Minor Use Permit 22-01 Gym Operating Hours Expansion Powerhouse Fitness – 1750 Huntington Drive, Unit A

1. This approval is for the operation of a health/fitness facility located at 1750 Huntington Drive, Unit A, at the southwestern corner of Huntington Drive and Highland Avenue. The fitness studio shall be available to members only and follow the approved class schedule.
2. The class schedule shall be as outlined in the business operation. Classes shall be limited to a maximum of 9 people (including instructors), and classes shall contain a maximum duration of 45 minutes. Any request to modify the class schedule, increase the class size, or extend the class duration, shall be reviewed and approved by the Community Development Director before implementation. Based upon the requested changes, the Community Development Director may require the processing of a new minor use permit.
3. The business owner, and/or all representatives shall make a reasonable effort to ensure participants from the previous class leave the facility or parking area in timely manner prior to participants for the following class arriving to avoid any conflicts with parking and circulation, or impacts to neighboring businesses.
4. The business owner, and/or all representatives, shall ensure that participants of the classes that start prior to 8 AM do not congregate, linger, and/or make unnecessary noise in the parking lot or outside of their business.
5. All fitness related activities shall be held indoors. Exterior doors and windows must remain in a closed position when classes or other noise-generating activities are occurring within the building. Any fitness, training, or other business-related activities occurring outdoors, in the parking lot, and/or throughout the shopping center are prohibited. The use of fitness and training equipment outdoors is prohibited.
6. Music, noise-generating equipment, or any other business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses. Furthermore, music shall not be played at a volume that is audible outside the business. In no case shall live music be permitted in association with this business or minor use permit approval.
7. In the event of substantiated noise issues, the Community Development Director may require the applicant to pay for the preparation of a noise study, prepared by a professional noise or acoustics consultant of the City's selection. Adherence to the study's recommendations will be required of the applicant. Failure to promptly comply

with this requirement will result in a modification/revocation hearing before the Planning Commission.

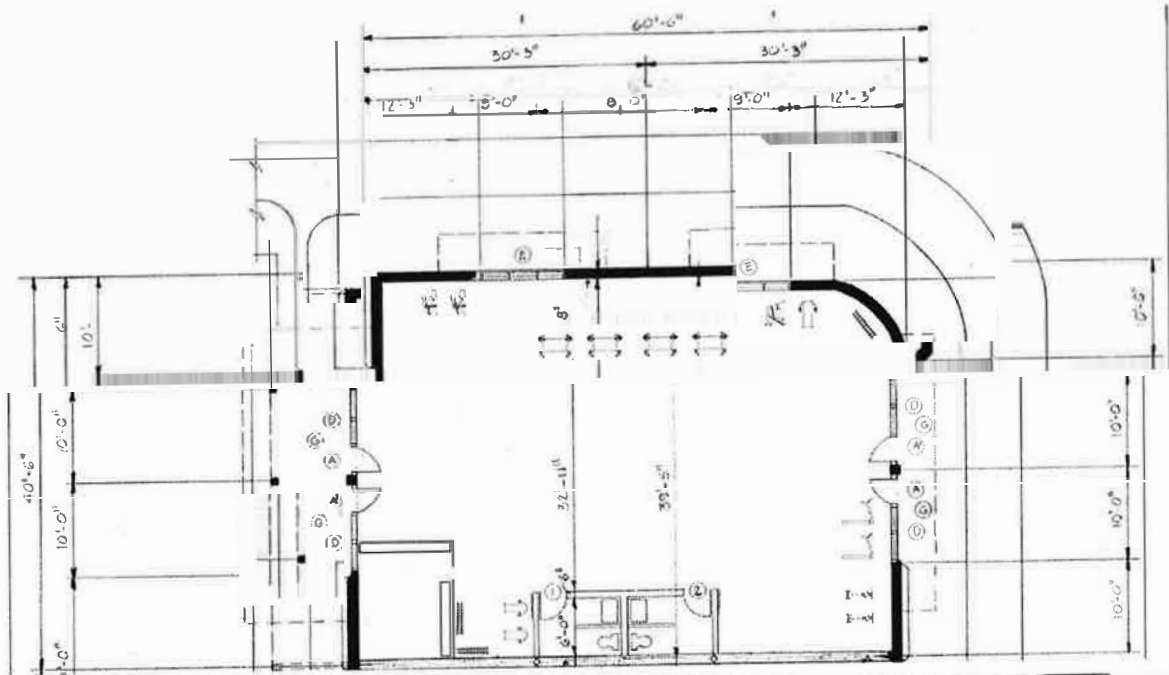
8. Outdoor speakers or other exterior audible devices are prohibited, unless approved through a temporary use/special event permit.
9. In the event of a change in use that does not follow the approved operation characteristics, including the maximum class size, class schedule, and/or class duration, an application for a new Minor Use Permit may be required.
10. The project shall comply with all regulations of the Town Center Specific Plan Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections.
11. Outdoor storage is strictly prohibited.
12. Any expansion or modification to the approved use as part of this minor use permit, including but not limited to: any substantial changes to the business operation, or floor plan that may affect or intensify the use shall be reviewed by the Planning Division, and may require an application for a new Minor Use Permit.
13. Any signage associated with the business is not included as part of this approval; a separate review and approval process will be required for all proposed signage. All signage shall comply with Chapter 19.42 of the Duarte Development Code.
14. Any required plans and plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits.
15. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.
16. Any correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
17. This Minor Use Permit may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the health and fitness facility, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the Minor Use Permit may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this Minor

Use Permit before the Community Development Director pursuant to Section 19.152.030 of the Duarte Development Code.

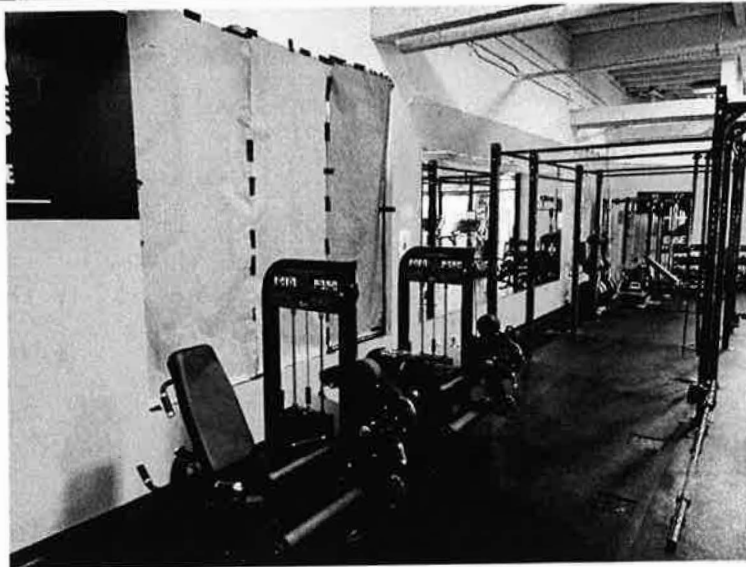
18. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
19. The applicant shall obtain a valid business license with the City of Duarte prior to commencement of the business operation. Contact the City Finance Division for more information at (626) 357-7931 extension 211.
20. The decision of the Planning Commission may be appealed to the City Council within fifteen (15) days of the Planning Commission's decision. Said appeal must be in writing and filed with the required fees, in the City Clerk's Office. The written appeal shall include reasons for the appeal.
21. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify, and hold harmless the City of Duarte and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to challenge, set aside, void, or annul the approval of the project or from any other action pertaining to this application or the granting of this Minor Use Permit which may be brought within the time period provided for such actions or challenges under applicable law.

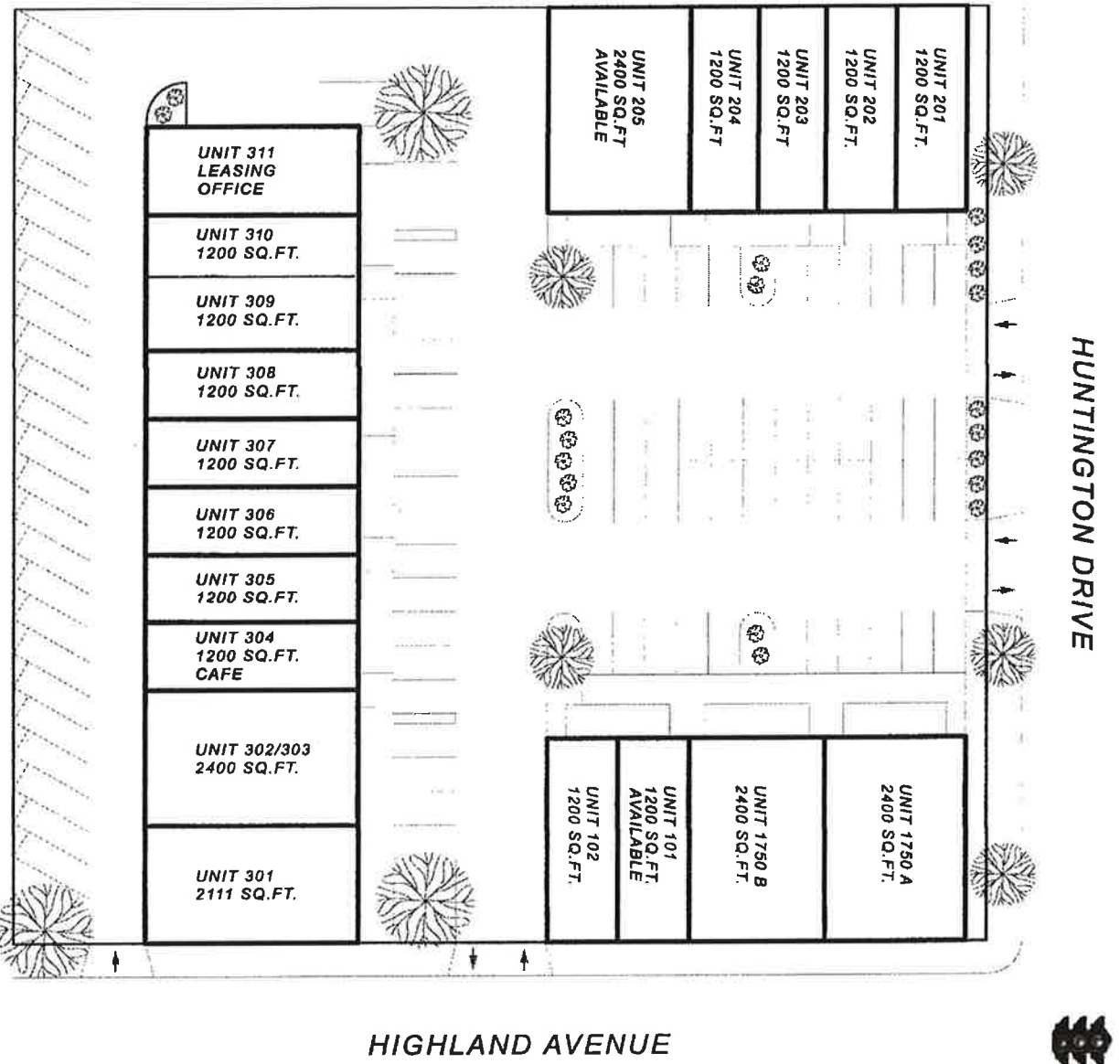
EXHIBIT B

Huntington Drive



Highland Avenue





HUNTINGTON PLAZA
1750 HUNTINGTON DR., DUARTE, CA
HUNTINGTON DRIVE AT HIGHLAND

RECEIVED
'JUL 12 2022
CITY OF DUARTE
COMMUNITY DEVELOPMENT

EXHIBIT C



TO: CRAIG HENSLEY, COMMUNITY DEVELOPMENT DIRECTOR

FROM: GABRIEL P. KATIGBAK, COMMUNITY DEVELOPMENT INTERN

DATE: October 2, 2018

SUBJECT: Minor Use Permit 18-02
New Health/Fitness Facility Located at 1750 Huntington Drive, Unit A

Summary:

The applicant, Apollo Boot Camp, is requesting an approval for a new health/fitness facility located at 1750 Huntington Drive, Unit A. The business operates as a member's only fitness facility at the southwestern corner of Huntington Drive and Highland Avenue.

A Minor Use Permit (MUP) is subject to approval from the Community Development Director. A notice providing detailed information on the project and MUP process was mailed to all properties within a 600-foot radius of the subject site. Any interested person has ten days from the hearing date the notice is mailed to request a public hearing on the MUP application. If no public hearing is requested during the ten-day period, the Director may consider the MUP application in compliance with the Duarte Development Code and render the request approved, based on the required findings and subject to conditions of approval. The notice was mailed on September 20, 2018. The notice was also posted at the Duarte Library, Duarte Public Safety Office and at Duarte City Hall on September 20, 2018, and published in the local newspaper on September 22, 2018. The ten-day period ended October 1, 2018 with no request submitted for a public hearing. Any decision made by the Director will become effective after October 2, 2018.

Background Information:

In September of 2016, the City of Duarte adopted the Town Center Specific Plan, envisioned to encourage and promote mixed-use development and enhance the built environment through unified urban design and streetscape amenities. Chapter 3 of the Town Center Specific Plan, Land Use and Zoning, aims to guide future developments regarding allowable uses and the densities within the Town Center. The location wherein the project resides is designated as the Mixed Use Corridor (MUC). Provided in Table 3-1 of the Town Center Specific Plan, Health/Fitness Facilities in the MUC greater than or equal to two thousand and one (2,001) square feet (s.f.) require a discretionary approval in the form of a Minor Use Permit authorized by the Planning Commission.

Property Description:

The project site is located on the Southwestern corner of Huntington Drive and Highland Avenue. The property's land use is designated as the Mixed Use Corridor (MUC) under the Town Center Specific Plan. The property is divided into three (3) tenant structures; the subject fitness facility will occupy one of the Eastern structure's tenant spaces while the adjacent three (3) tenant spaces remain unaffected.

Project Description:

The applicant is requesting the approval of a MUP to allow the use of new health/fitness facility in the vacant tenant space at 1750 Huntington Drive, Unit A. The tenant space is located at the hard corner along the Southwestern corner of Huntington Drive and Highland Avenue. The tenant space is approximately 2,400 square feet. The health/fitness facility consists of exercise activities, but are not limited to the following: body weight movements, light free weights, stretching and the use of exercise equipment (e.g. stationary bikes, stability balls and rowing/cable machines,). The fitness facility's business operates Monday through Friday from 6:00 AM to 10:00 AM, 5:00 PM to 7:00 PM and Saturday and Sunday from 8:00 AM to 9:00 AM. Instructional training sessions are available to members only; the maximum duration of each session is forty-five (45) minutes with a maximum of nine (9) participants, including the trainer.

Project Analysis:

A Minor Use Permit (MUP) is required for the operation of a fitness facility over 2,000 s.f. in area. Uses such as this have the potential to create impacts on the property and the surrounding community when established within the Town Center Specific Plan. The applicant is requesting approval of a MUP, which, if granted, will provide operational regulations for the fitness facility. The MUP will also include conditions of approval to ensure that the fitness facility remains compatible with the surrounding uses. As such, granting the MUP will establish the necessary entitlement for the use and will meet the requirements of the Town Center Specific Plan. Based upon the proposed project description there are concerns over the following impacts: parking, maximum number of patrons, noise and outdoor uses.

The subject location will operate on the hard corner of the shopping center along Huntington Drive and Highland Avenue. The suite location has ample room to accommodate many more patrons than proposed by the applicant. Due to the potential for adverse impacts caused by too many patrons participating in the proposed fitness center and with limited parking available on-site, an analysis of on-site parking and the hours of operation for adjacent businesses was conducted. The analysis showed that with the proposed operational hours of Apollo Boot Camp there would be a slight overlap with the operational hours of the surrounding uses within the property; however, the hours of operation have been conditioned in such a way that will minimize any adverse impacts towards the surrounding uses and the available parking provided on-site. An hour of operation table has been provided (Exhibit C), that illustrates the slight overlap in operational hours of the proposed project to its surrounding uses. With the proposed conditions of approval, the subject's business operational hours and the operational hours of the surrounding uses on the property there are no foreseeable implications with the provided amount of parking.

Additionally, the operation proposes a maximum of nine (9) participants per training session; this includes not only the members but also the instructors. As listed in the conditions of approval, it is the responsibility of the applicant to ensure that participants from the previous training session depart from the facility in a timely manner to prevent impacts and/or implications regarding parking that may affect the surrounding uses.

Due to the nature of the operation, noise from exercise sessions or speakers can be a concern. Staff has imposed several conditions of approval on the business, including requiring responsible, on-site management of noise generating equipment, music, and activities; prohibition on outdoor speakers; and the City's Noise Ordinance as provided in Chapter 9.68 of the Duarte Municipal Code.

Lastly, some boot camp businesses promote or permit outdoor activities to take place on the property or in adjoining neighborhoods. This includes running, stretching and handling weight equipment or props that generally occurs on streets and parking lots. This activity is unsafe for both participants and motorists, and also negatively impacts abutting neighborhoods. Furthermore, these activities can occur on a regular basis, generally associated with each class session. Outdoor activities associated with Apollo Boot Camp have been prohibited with conditions of approval require all fitness related activity and operations to operate indoors.

The project proposal did not include any work to be done that would require the issuance of a building, electrical, plumbing or mechanical permit. Any/all interior tenant improvements that address issues regarding the physical structure of the facility would require a submission to the Planning Division for a Site Plan and Design Review, separate from this review and approval. Furthermore, any proposed signage must also undergo its own sign plan review, subject to approval by the Planning Division.

Recommendation: Staff recommends that the Community Development Director review the information provided and approve Minor Use Permit 18-02.

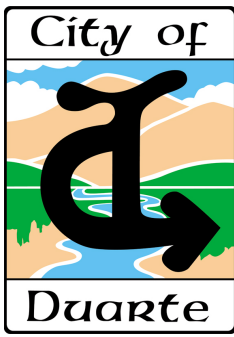
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'G. Katigbak', with a long horizontal stroke extending to the right.

Gabriel P. Katigbak
Community Development Intern

Attachments

Exhibit A:	Findings
Exhibit B:	Conditions of Approval
Exhibit C:	Operational Hours Table



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

September 24, 2018

Apollo Boot Camp
Attn: James Milan
1740 E Huntington Drive
Duarte, CA 91010

**Minor Use Permit Case #18-02
New Health/Fitness Facility Located at 1750 Huntington Drive, Unit A**

Dear Mr. Milan:

The Community Development Department has reviewed your application for Minor Use Permit #18-02 to establish a new health/fitness facility at 1750 Huntington Drive, Unit A. The request, subject to Director Review under the Minor Use Permit process outlined in Chapter 19.114 of the Duarte Development Code (DDC), has been approved based on the required findings and subject to the conditions of approval attached as Exhibit A.

The conditions of approval are required by the Director and shall be fully complied with by the property owner, business owner, applicant, and all representatives thereof. If you are dissatisfied with the action and/or the conditions of approval, you may appeal to the Planning Commission within fifteen (15) days of this letter. The appeal shall be filed with the City Clerk and shall contain a written statement regarding the grounds for the appeal and include the required appeal fee.

If you have any questions regarding this action you may contact me at (626) 357-7931 ext. 229, Monday and Wednesday between the hours of 9:00 AM and 5:00 PM and Tuesday between 1:00 PM and 5:00 PM or Jason Golding, Planning Division Manager, Monday through Thursday at (626) 357-7931, ext. 231.

Sincerely,

Gabriel P. Katigbak
Community Development Intern

Attachments: Exhibit A – Conditions of Approval

**Required Findings
Minor Use Permit 18-02
1750 East Huntington Drive**

The Director finds and determines as follows, findings for Minor Use Permits, as set forth in Duarte Development Code Section 19.114.050(B), as:

1. The proposed use is consistent with the General Plan;

The proposed health/fitness facility is consistent Land Use Goal 1 and 2 of the General Plan, as it helps maintain a balanced community consisting of various commercial activities, and helps develop compatible and harmonious land uses by providing a mix of uses in such a way to encourage “one-stop” shopping.

2. The proposed use is allowed within the subject zones and complies with all other applicable provisions of this Development Code and the Municipal Code;

The health/fitness facility offers a variety of fitness related activities to members in a scheduled class format. The Town Center Specific Plan lists that Health and Fitness facilities equal to and/or greater than two thousand and one square feet (2,001 sq. ft.) within the Mixed Use Corridor (MUC) require a minor use permit.

3. The design, location, size and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

The existing fitness establishment will occupy one (1) of the twenty (20) tenant spaces in one of the multi-tenant buildings located on the southwest corner of Huntington Drive and Highland Avenue. The tenant space is approximately 2,400 square feet, and sufficient in size for the business operation.

4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The fitness facility is required to obtain a Minor Use Permit to operate within the Town Center Specific Plan. The studio operates as a fitness facility that provides members with access to a variety of training equipment. The operation’s instructional training sessions accommodate a maximum of eight (8) participants and one (1) employee (trainer) with duration of forty-five (45) minute classes. Additionally, all workouts will occur inside the tenant space only. The nature of Apollo Boot Camp’s fitness facility, schedule and small class sizes will produce a low intensity operation that is unlikely to create a negative impact on the shopping center, surrounding businesses, or the community. Furthermore, conditions of approval that are designed to help prevent any adverse or detrimental impacts on the City and surrounding community have been imposed as part of the MUP approval.

5. The subject site is:

- a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and**
- b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.**

The subject site is within the Town Center Specific Plan, located in a commercial center at the southwestern corner of Huntington Drive and Highland Avenue, in proximity to the 210-freeway. The shopping center is designed and developed to accommodate a variety of retail, service and restaurant uses, with adequate vehicle and pedestrian circulation in and out of the shopping center. The center is accessible from multiple approaches along Huntington Drive and Highland Avenue. The fitness facility will occupy one large tenant space within the commercial center. The remainder of the center will be unaffected.

Exhibit A
Conditions of Approval
Minor Use Permit 18-02
1750 East Huntington Drive

1. This approval is for the operation of a health/fitness facility located at 1750 Huntington Drive, Unit A, at the southwestern corner of Huntington Drive and Highland Avenue. The fitness studio shall be available to members only and follow the approved class schedule.
2. The class schedule shall be as outlined in the business operation. Classes shall be limited to a maximum of 9 people (including instructors), and classes shall contain a maximum duration of 45 minutes. Any request to modify the class schedule, increase the class size, or extend the class duration, shall be reviewed and approved by the Community Development Director before implementation. Based upon the requested changes, the Community Development Director may require the processing of a new minor use permit.
3. The business owner, and/or all representatives shall make a reasonable effort to ensure participants from the previous class leave the facility or parking area in timely manner prior to participants for the following class arriving to avoid any conflicts with parking and circulation, or impacts to neighboring businesses.
4. All fitness related activities shall be held indoors. Any fitness, training, or other business related activities occurring outdoors in the parking lot or throughout the shopping center are prohibited. The use of fitness and training equipment outdoors is prohibited.
5. Music, noise-generating equipment, or any other business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses. In no case shall live music be permitted in association with this business or minor use permit approval.
6. Outdoor speakers or other exterior audible devices are prohibited, unless approved through a temporary use/special event permit.
7. In the event of a change in use that does not follow the approved operation characteristics, including the maximum class size, class schedule, and/or class duration, an application for a new Minor Use Permit may be required.
8. The project shall comply with all regulations of the Town Center Specific Plan Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections.
9. Outdoor storage is strictly prohibited.
10. Any expansion or modification to the approved use as part of this minor use permit, including but not limited to: any substantial changes to the business operation, or floor plan that may affect or intensify the use shall be reviewed by the Planning Division, and may require an application for a new Minor Use Permit.
11. Any signage associated with the business is not included as part of this approval; a separate review and approval process will be required for all proposed signage. All signage shall comply with Chapter 19.42 of the Duarte Development Code.

12. Any required plans and plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits.
13. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.
14. Any correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
15. This Minor Use Permit may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the health and fitness facility, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the Minor Use Permit may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this Minor Use Permit before the Community Development Director pursuant to Section 19.152.030 of the Duarte Development Code.
16. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
17. The applicant shall obtain a valid business license with the City of Duarte prior to commencement of the business operation. Contact the City Finance Division for more information at (626) 357-7931 extension 211.
18. The decision of the Director may be appealed to the Planning Commission within 15 days of the date of this letter. Said appeal must be in writing and filed with fees paid to the City Clerk's Office. The written appeal shall include reasons for the appeal.
19. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of this minor use permit which may be brought within the time period provided for such actions or challenges under applicable law.

EXHIBIT D

PROPOSED SESSIONS SCHEDULE

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5:00 AM - 5:45 AM	5:00 AM - 5:45 AM	5:00 AM - 5:45 AM	5:00 AM - 5:45 AM	5:00 AM - 5:45 AM	7:30 AM - 8:15 AM	CLOSED
6:00 AM - 6:45 AM	6:00 AM - 6:45 AM	6:00 AM - 6:45 AM	6:00 AM - 6:45 AM	6:00 AM - 6:45 AM	8:30 AM - 9:15 AM	
7:00 AM - 7:45 AM	7:00 AM - 7:45 AM	7:00 AM - 7:45 AM	7:00 AM - 7:45 AM	7:00 AM - 7:45 AM	CLOSED	
8:00 AM - 8:45 AM	8:00 AM - 8:45 AM	8:00 AM - 8:45 AM	8:00 AM - 8:45 AM	8:00 AM - 8:45 AM		
9:00 AM - 9:45 AM	9:00 AM - 9:45 AM	9:00 AM - 9:45 AM	9:00 AM - 9:45 AM	9:00 AM - 9:45 AM		
CLOSED 10:00 AM - 5:00 PM	CLOSED 10:00 AM - 5:00 PM	CLOSED 10:00 AM - 5:00 PM	CLOSED 10:00 AM - 5:00 PM	CLOSED 10:00 AM - 5:00 PM		
5:00 PM - 5:45 PM	5:00 PM - 5:45 PM	5:00 PM - 5:45 PM	5:00 PM - 5:45 PM	5:00 PM - 5:45 PM		
6:00 PM - 6:45 PM	6:00 PM - 6:45 PM	6:00 PM - 6:45 PM	6:00 PM - 6:45 PM	6:00 PM - 6:45 PM		
7:00 PM - 7:45 PM	7:00 PM - 7:45 PM	7:00 PM - 7:45 PM	7:00 PM - 7:45 PM			
8:00 PM - 8:45 PM	8:00 PM - 8:45 PM	8:00 PM - 8:45 PM	8:00 PM - 8:45 PM			

EXHIBIT E

Operational Hours
EXHIBIT D

Powerhouse Fitness Training Proposed Hours			
1750 Huntington Drive, Unit A			
Mon	5:00-9:45 AM	5:00-8:45 PM	
Tues	5:00-9:45 AM	5:00-8:45 PM	
Wed	5:00-9:45 AM	5:00-8:45 PM	
Thu	5:00-9:45 AM	5:00-8:45 PM	
Fri	5:00-9:45 AM	5:00-6:45 PM	
Sat	7:00-9:45 AM	Closed	
Sun	Closed		

Center for Connection & Neurodiversity			Powerhouse Fitness Training
1740 Huntington Dr., #301			
Mon	8:00 AM	5:00 PM	The 5:00 - 9:45 AM training sessions overlaps with Center for Connection & Neurodiversity's operational hours Monday through Friday by one hour and 45 minutes.
Tues	8:00 AM	5:00 PM	
Wed	8:00 AM	5:00 PM	
Thu	8:00 AM	5:00 PM	
Fri	8:00 AM	5:00 PM	
Sat	Closed		No overlapping hours
Sun	Closed		Closed

Lemon Drop Cookie Shop			Powerhouse Fitness Training
1740 Huntington Dr., #304			
Mon	Closed		No overlapping hours
Tues	11:00 AM	5:00 PM	No overlapping hours
Wed	11:00 AM	5:00 PM	No overlapping hours
Thu	11:00 AM	5:00 PM	No overlapping hours
Fri	10:00 AM	5:00 PM	No overlapping hours
Sat	10:00 AM	4:00 PM	No overlapping hours
Sun	Closed		Closed

Chefelle Personal Chef			Powerhouse Fitness Training
1740 Huntington Dr., #304			
Mon	9:00 AM	5:00 PM	The 5:00 - 9:45 AM training session for Powerhouse Fitness slightly overlaps with Chefelle Personal Chef's operational hours by 45 minutes, Monday through Friday.
Tues	9:00 AM	5:00 PM	
Wed	9:00 AM	5:00 PM	
Thu	9:00 AM	5:00 PM	
Fri	9:00 AM	5:00 PM	
Sat	Closed		No overlapping hours
Sun	Closed		Closed

Villari's Martial Arts			Powerhouse Fitness Training
1740 Huntington Dr., #306			

Operational Hours
EXHIBIT D

Mon	2:00 PM	7:00 PM	Powerhouse Fitness Training's evening sessions overlap Villari's Martial Arts' operational hours from 5 PM - Close Monday through Friday.
Tues	3:00 PM	8:00 PM	
Wed	2:00 PM	7:00 PM	
Thu	3:00 PM	8:00 PM	
Fri	6:30 PM	9:00 PM	
Sat	9:00 AM	3:00 PM	Powerhouse Fitness Training's 7:00 - 9:45 AM
Sun	Closed		Closed

Actors Youth Academy			Powerhouse Fitness Training
1740 Huntington Dr., #308			
Mon	Closed		No overlapping hours
Tues	Closed		No overlapping hours
Wed	Closed		No overlapping hours
Thu	7:00 PM	9:00 PM	Powerhouse Fitness Training overlaps Actors Youth
Fri	Closed		No overlapping hours
Sat	4:00 PM	10:00 PM	No overlapping hours
Sun	1:30 PM	9:00 PM	Closed

Botanica Florist			Powerhouse Fitness Training
1740 Huntington Dr., #204			
Mon	8:00 AM	1:00 PM	The 5:00 AM to 9:45 AM training session for Powerhouse Fitness Training overlaps with Botanica Florist's operational hours by one hour and forty-five minutes (1:45), Monday through Friday.
Tues	8:00 AM	1:00 PM	
Wed	8:00 AM	1:00 PM	
Thu	8:00 AM	1:00 PM	
Fri	8:00 AM	1:00 PM	
Sat	8:00 AM	12:00 PM	The 7:00 - 9:45 AM training session for Powerhouse Fitness Training overlaps with Botanica Florist's operational hours by one hour and fifteen minutes (1:15) on Saturdays
Sun	Closed		Closed

Olé Olé Dance Academy			Powerhouse Fitness Training
1740 Huntington Dr., #309			
Mon	7:30 AM	9:00 AM	Powerhouse Fitness Training's 7:00 - 9:45 AM and 6:00 - 7:45 PM sessions fully overlap Olé Olé Dance Academy's operational hours on Mondays, Tuesdays, and Wednesdays
	6:00 PM	7:30 PM	
Tues	7:45 AM	10:00 AM	
	6:00 PM	7:30 PM	
Wed	7:30 AM	10:00 AM	
	6:00 PM	7:30 PM	

Operational Hours
EXHIBIT D

Thu	6:00 PM	10:00 PM	The 6-9 PM sessions for Powerhouse Fitness
Fri	3:00 PM	7:00 PM	The 5-7 PM sessions for Powerhouse Fitness
Sat	8:00 AM	9:30 AM	The 7:30 to 9:15 AM operational hours for Powerhouse Fitness Training overlap with Olé Olé's operational hours by one hour and fifteen minutes (1:15).
Sun	Closed		Closed

Sepulveda Tattoo			Powerhouse Fitness Training
1740 Huntington Dr., #311			
Mon	11:00 AM	9:00 PM	The 5:00 - 9:00 PM operational hours of Powerhouse Fitness Training overlap Sepulveda Tattoo's operational hours by four (4) hours.
Tues	11:00 AM	9:00 PM	
Wed	11:00 AM	9:00 PM	
Thu	11:00 AM	9:00 PM	
Fri	11:00 AM	9:00 PM	The 5:00 - 6:45 PM operational hours of
Sat	11:00 AM	9:00 PM	Open Now; unaffected
Sun	Closed		Closed

Kim & Sue Beauty Salon			Powerhouse Fitness Training
1740 Huntington Dr., #202			
Mon	9:00 AM	6:00 PM	Powerhouse Fitness Trainings sessions from 9:00 to 9:45 AM and 5:00 to 6:00 PM overlap the operational hours of Kim and Sue Beauty Salon from Monday to Friday.
Tues	9:00 AM	6:00 PM	
Wed	9:00 AM	6:00 PM	
Thu	9:00 AM	6:00 PM	
Fri	9:00 AM	6:00 PM	
Sat	9:00 AM	6:00 PM	Powerhouse Fitness Training's session from 8:30 to
Sun	Closed		Closed

Oh's Acupuncture Clinic			Powerhouse Fitness Training
1740 Huntington Dr., #305			
Mon	10:00 AM	6:00 PM	Powerhouse Fitness Training's sessions from 5:00 - 6:00 PM slightly overlaps Oh's Acupuncture Clinic's operational hours by one (1) hour.
Tues	10:00 AM	6:00 PM	
Wed	10:00 AM	6:00 PM	
Thu	10:00 AM	6:00 PM	
Fri	10:00 AM	6:00 PM	
Sat	10:00 AM	6:00 PM	Open Now; unaffected
Sun	Closed		Closed
Mon-Sun	No staffed hours		Open Now; unaffected

YBPC			Powerhouse Fitness Training
1750 Huntington Dr., Unit B			
Mon	9:00 AM	5:00 PM	Powerhouse Fitness Training's sessions from 9:00

Operational Hours

EXHIBIT D

Tues	9:00 AM	5:00 PM	to 9:45 AM slightly overlap YBPC's operational
Wed	12:30 PM	4:00 PM	Open Now; unaffected
Thu	9:00 AM	5:00 PM	Powerhouse Fitness Training's sessions from 9:00
Fri	9:00 AM	12:30 PM	to 9:45 AM slightly overlap YBPC's operational
Sat	Closed		Open Now; unaffected
Sun	Closed		Closed