

**CITY OF ALISO VIEJO  
DEVELOPMENT REVIEW COMMITTEE MEETING  
JUNE 22, 2006**

**MINUTES**

**CALL TO ORDER:**

A meeting of the Development Review Committee of the City of Aliso Viejo was called to order by Chair Eugenia Garcia at 4:14 p.m. on Thursday, June 22, 2006, at the Aliso Viejo City Hall Council Chambers, 12 Journey, Aliso Viejo, California.

A complete copy of the Agenda for the meeting containing all items as shown herein was posted by 10:00 a.m. on June 19 , 2006, on the outdoor bulletin board at City Hall. Copies were also posted at the Aliso Viejo Library, 1 Journey, and the Aliso Viejo Sheriff's Substation, 11 Journey.

**ROLL CALL:**

Present: Committee Members Margo Beauchamp, Mark Hiller, Joseph Koszarek  
Lori Trottier, and Chair Eugenia Garcia

Absent: Committee Members Donald Garcia, Lynne Pivaroff, John Whitman

**ITEM 1: APPROVAL OF MAY 23, 2006, MINUTES**

Committee Member Hiller stated that he purchased a copy of the audio tapes since he was not present on May 23, and suggested tabling the item until the Committee had more time to review the draft Minutes in light of potential legal action by AVCA. He will submit a redline version of the Minutes for Committee review.

**A MOTION** was made by Committee Member Hiller to continue the Minutes until the next DRC meeting. Committee Member Trottier added that she wanted to expound on her abstention vote noted on Page 8 of the Minutes. Committee Member Trottier stated that in her opinion there was insufficient information submitted by AVCA to determine whether to leave or remove the restrooms in Springdale Park, or to recommend removal of the restrooms to another park. Committee Member Koszarek wanted the Minutes to reflect that he was present at the meeting on May 23, 2006. Committee Member Trottier seconded the motion. Motion carried.

**ITEM 2: MESSAGE ENVY – USE PERMIT UPAV06-04**, a request for a Conditional Use Permit for the proposed use of a neuromuscular and therapeutic massage establishment at the Aliso Viejo Plaza, an existing retail center located at 26852 La Paz Road.

Contract Planner Jennifer Lowe described the applicant's proposal to conduct business at 26852 La Paz Road, a 3,000 sq. ft. space which includes 12 therapeutic rooms. No

changes are proposed for exterior work or landscaping. Proposed hours of operation are Monday-Friday 8:00 a.m.-10:00 p.m., Saturday 8:00 a.m.- 6:00 p.m., and Sunday 10:00 a.m.-6:00 p.m. Since its incorporation, the City of Aliso Viejo has referred massage technicians to OCSO because they have operated as an accessory use to an existing establishment, e.g. spa, physical therapy, etc. This is the City's first application requesting a use which is not defined as an accessory use. Aliso Viejo's Municipal Code neither provides standards or requirements for establishment of a massage parlor, nor lists massage establishments as an outright permitted use, however, it does allow the Planning Director to determine if the use is similar to other uses which require a conditional use permit in the same zoning district.

The Orange County Sheriff's Department will still require background checks and licensing of the establishment, as well as, individual practitioner licensing. After approved and licensed by the Sheriff's Department, the applicant will be required to submit a tenant improvement plan to the City, including a sign plan. The proposed location is surrounded by a variety of retail uses, approximately 473 feet away from a residence, and no schools or churches are located within ½ -1 mile from the site. There is no parking requirement; however, code requires 15 spaces per 3,000 sq. ft. of retail space. At this time, 921 parking spaces are available within the plaza and staff believes the minimal number of required parking spaces for the proposed use are provided. Staff determined the location is appropriate and compatible with other uses in the area and supports approval based on compliance with the General Plan zoning designation, the site location, and with compliance of draft Conditions of Approval.

Primary applicant Rich Ratkelis stated the he is a new franchisee with Massage Envy and will operate under that name. He introduced Carol Warren, Massage Envy Franchisor and Regional Developer, as well as, owner of Massage Envy's Orange County Region. He then introduced Bonnie Elder, Asset Manager for Horseshoe Bar Investments, LLC, owner of Aliso Viejo Plaza and advocate of the Massage Envy concept at that location. Both representatives demonstrate support in favor of establishing Massage Envy in Aliso Viejo.

Mr. Ratkelis spoke on the history of Massage Envy, which is a 4-year-old national franchise with 300 locations in 39 states, and is the largest single employer of massage therapists. Massage therapists are hired as employees complete with benefits package rather than hired as independent contractors. Mr. Ratkelis believes the operational model for employee satisfaction will translate into superior customer satisfaction. The American Franchise Association placed Massage Envy on its top 50 list of fastest growing franchises in America, and the International Association of Shopping Center Owners named Massage Envy as one of the top 5 "hottest" brands. Massage Envy proposes to make massage more affordable and accessible as people recognize the preventative and recuperative benefits of massage therapy. A \$59 monthly membership fee entitles the client to one massage per month. The client may purchase additional massages, a massage gift certificate, or guest pass for \$39. Mr. Ratkelis stated that the business model addresses consumers' biggest hurdles to incorporating massage into their health regimens: affordability and accessibility. On a local scale,

Mr. Ratkelis intends to work occasionally with charity organizations servicing Aliso Viejo to raise funds by having clients purchase massages and Massage Envy will donate the proceeds.

Chair Garcia stated that Staff did extensive research and drafted an ordinance to change existing code, which is included in a handout she distributed, the text of which will be formatted and included as Conditions of Approval. Discussion ensued regarding hours of operation, educational requirements and practical experience of massage technicians, OCSD permits and possible health department review, as well as, a new ordinance that will be introduced for Council consideration. In order to address a concern by Committee Member Trottier, discussion followed regarding parking. Mr. Ratkelis stated that parking spaces are not allotted to tenants, rather it is shared parking and employees will keep the spaces nearest the location available to customers. Bonnie Elder, asset manager for the landlord, stated Massage Envy will be located on the side of the plaza that has plenty of open parking and does not see a parking problem arising. Staggered hours of operation of the neighboring businesses also contribute to providing ample parking.

In response to a question by Committee Member Hiller whether services will generate tax revenue, Mr. Ratkelis responded that only retail sales are taxed, not therapeutic services. Bonnie Elder responded to Committee Member Koszarek regarding a sign program by stating that the City has approved sign requirements for tenants of the Aliso Viejo Plaza. AVCA has to approve the signs as well.

### **PUBLIC COMMENT**

Chair Garcia read a letter submitted by M. Abbot Anderson, who was not present. The letter stated the writer submitted the letter on behalf of a friend who operates Envy Day Spa which is located very near to the proposed Massage Envy location. The proprietor believes the public will be confused by the name similarity and is seeking legal counsel.

Carol Warren, franchisor and regional developer for Massage Envy, stated that the Massage Envy name is intellectual property and the name has been registered on a federal level.

A MOTION was made by Committee Member Koszarek to recommend approval of the use permit subject to the draft Conditions of Approval. The motion was seconded by Committee Member Trottier. Motion carried unanimously.

### **RECOMMENDATION**

Forward recommendation of approval to Council subject to draft Conditions of Approval.

### **ADJOURNMENT**

Chair Garcia adjourned the meeting at 5:09 p.m.

SUBMITTED BY:

APPROVED BY:

---

Lilia Peterson

---

Eugenia Garcia, AICP, Chair