

P.C. Resolution 16-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A MASSAGE THERAPY BUSINESS INSIDE A MULTI-TENANT COMMERCIAL BUILDING AT 1301 MANHATTAN AVENUE; AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed on September 22, 2016 by Andy Chan, seeking approval of Conditional Use Permit 16-5 to allow a massage establishment.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on November 15, 2016, at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(a), Existing Facilities because the project consists permitting of existing facilities involving no expansion of use in an existing building zoned for commercial uses, the project as conditioned will comply with the General Plan and zoning code, no variances are requested, and the project is within an area with available services.

Section 4. Based on the evidence received at the public hearing, the Planning Commission makes the following findings:

1. The applicant has filed an application for Conditional Use Permit to allow a massage establishment at an existing multi-tenant commercial building.
2. The subject tenant space contains approximately 3,219 square feet, is designated General Commercial on the General Plan Map, and C-2 Restricted Commercial on the Zoning Map.

Section 5. Based on the testimony and evidence received, the Planning Commission makes the following findings pertaining to the application for a Conditional Use Permit pursuant to Section 17.40.020 of the Municipal Code:

1. *Distance from existing residential uses:* The use is located within a multi-tenant commercial building. Other uses in the building include a late-night restaurant/bar (Abigail/Ocean Bar), retail, and general office. Directly to the north of the site is a commercially zoned lot with a legal non-conforming three-unit residential apartment and a City owned/operated parking lot. Directly to the east and west of the site are commercial uses while to the south of the site are

commercial uses on the street level with three residential units on the top floor. Located across Manhattan Avenue northeast of the site are residential uses.

The use involves spa-related services (massage, skin treatment, etc.) conducted within the confines of the building. Due to the proximity of nearby residential uses, the project has been conditioned to permit operations from 8:00 a.m. to 10:00 p.m. daily.

2. *The amount of existing or proposed off-street parking facilities, and its distance from the proposed use:* The business is located within a multi-tenant commercial building. Parking for the building is located in a parking structure with access from Manhattan Avenue as well as from the rear alley Palm Drive and is shared amongst the multiple tenants of the building. The parking structure has a total of 77 spaces and is governed by P.C. Resolution 14-16. The parking is shared between the 8,176 square foot restaurant/bar, 506 square foot retail store, and 10,439 square foot general office use. The peak hours of the restaurant, the most demanding of the variety of uses conducted within the building, are in the evening hours when a valet service is typically provided to allow for the potential of stacking of parked cars and subsequently additional spaces being available when demand for parking is at its peak. Additionally, the peak hours of the office use and retail store are during the afternoon when demand for parking within the building is at its lowest. As such, the parking demand of the variety of uses is appropriate and no parking-related impacts are anticipated.
3. *Location of and distance to churches, schools, hospitals and public playgrounds:* The use is located within an existing commercial building as well as within the downtown district. The nearest church is located to two blocks north of the project at the corner of Manhattan Avenue and 15th Street, while the nearest school is east of the project at Valley Drive and 17th Street (Valley School). The nearest public playground is South Park, located on Valley and 4th Street. There are no hospitals within the city. The use is contained within the confines of the commercial building and is not anticipated to impact schools, playgrounds, or churches in the city.
4. *The combination of uses proposed:* The business offers spa-related services including massage and skin therapy. The uses are typical of spa service establishments and do not conflict with existing uses in the building or vicinity.
5. *Precautions taken by the owner/operator of the proposed establishment to assure the compatibility of the use with surrounding uses:* The business operates within the confines of the building with no outdoor use since 2009. No code enforcement issues (excluding the lack of a CUP) or neighborhood compatibility issues have occurred since opening. Additionally, the project is conditioned to hour of operation 8:00 a.m. to 10:00 p.m. daily to reduce impacts on neighboring residences.
6. *The relationship of the proposed business-generated traffic volume and the size of streets serving the area:* The business is located in the downtown area within an existing commercial building. Nearby streets include Pier Avenue and Manhattan Avenue which regularly operate below capacity. The traffic volume for the use is not significant due to the size and type of the business. Therefore, no impacts are anticipated to traffic volumes or mobility around the site.

7. *The proposed exterior signs and décor, and the compatibility thereof with existing establishments in the area:* The use is located within a multi-tenant commercial building. No building elements are proposed to be altered as part of the project. Signage for the building is governed by a master sign program and all proposed signage will be required to comply with the master sign program for the building. No impacts are anticipated.
8. *The number of similar establishments or uses within close proximity to the proposed establishment:* The business is located on Manhattan Avenue within the downtown district. The nearest similar establishment is located outside the downtown district at the intersection of Pier Avenue and Pacific Coast Highway. Additional similar massage-related establishments are located along Pacific Coast Highway. The multiple massage therapy establishments in the city are spread throughout the city and are not anticipated to create impacts as it relates to congestion of similar establishments.
9. *Noise, odor, dust and/or vibration that may be generated by the proposed use:* The use offers massage and similar spa services. No construction will occur since the application is to permit an existing business that has expanded operations beyond the administrative guidelines of massage therapy establishments. Typical massage/spa operations include personal massages, skin treatments, and similar services performed in a quiet environment. No noise, odor, and/or vibration impacts are anticipated.
10. *Impact of the proposed use to the City's infrastructure, and/or services:* The business is located within an existing multi-tenant commercial building with established infrastructure (plumbing, electricity, natural gas, etc.) and other emergency-related services. The use is a common commercial use and is not anticipated to impact existing services and infrastructure.
11. *Will the establishment contribute to a concentration of similar outlets in the area:* The proposed establishment is the only massage establishment within the downtown district. Fewer than five other massage establishments are located along Pacific Coast Highway and Aviation Boulevard. Thereby, the business does not risk contributing to a concentration of establishments in the city.

Other considerations that, in the judgment of the Planning Commission, are necessary to assure compatibility with surrounding uses, and the City as a whole: No other considerations are needed.

Section 6. Based on the foregoing, the Planning Commission **hereby approves** the subject Conditional Use Permit to allow a massage establishment within a multi-tenant commercial building subject to the following **Conditions of Approval:**

General:

1. **The continued use of the property shall be in conformance with submitted plans received and reviewed by the Planning Commission at its meeting of November 15, 2016, revised in accordance with the conditions below. The Community Development**

Director may approve minor modifications that do not otherwise conflict with the Hermosa Beach Municipal Code or requirements of this approval.

- 2. A responsible massage therapist, pursuant to Chapter 5.74 of the Hermosa Beach Municipal Code, shall be on the premises at all times when the business is open. The business may employ technicians or aides only if supervised by a responsible massage therapist.**
- 3. Management shall adopt, inform patrons and employees of, and strictly enforce all requirements of the Conditional Use Permit and all regulations as set forth in Chapter 5.74.**
- 4. Hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m.**
- 5. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.**
- 6. Any changes to the interior layout that would alter the primary function of the business shall be subject to review and approval by the Planning Commission. The operation of the business shall comply with all applicable requirements of the Municipal Code.**
- 7. An Acceptance of Conditions affidavit shall be filed with the Community Development Department stating that the applicant is aware of, and agrees to accept, all of the conditions of this grant.**

Section 7. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.

The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

Each of the above conditions is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole

discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

Section 8. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

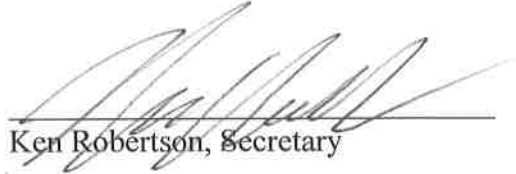
VOTE:	AYES:	Comms.Flaherty,Pedersen,Rice,Saemann,Chmn.Hoffman
	NOES:	None
	ABSTAIN:	None
	ABSENT:	None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 16-32 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of November 15, 2016.



Peter Hoffman, Chairman



Ken Robertson, Secretary

November 15, 2016

Date