

P.C. RESOLUTION 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A MASSAGE THERAPY BUSINESS LOCATED AT 1601 PACIFIC COAST HIGHWAY SUITE 285 (PROPOSED MASSAGE ENVY), HERMOSA BEACH, CALIFORNIA; AND DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

SECTION 1. An application was filed by Alberto Doronzo with “Be Your Own Beautiful Inc. (dba. Massage Envy)”, seeking approval of a massage therapy business located at 1601 Pacific Coast Highway, Suite 285 (proposed Massage Envy).

SECTION 2. The Planning Commission conducted a duly noticed public hearing on March 19, 2019, to consider the application for Conditional Use Permit 19-1 at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

SECTION 3. The proposed project is Categorically Exempt from the California Environmental Quality Act as defined in Section 15301(a), Class 1 Exemption, Existing Facilities because the proposal pertains to an existing structure and involves only minor alterations to the interior of the structure, such as interior partitions. Moreover, none of the exceptions to the Categorical Exemption apply. Nor will the project result in a significant cumulative impact of successive projects of the same type in the same place over time, or have a significant effect on the environment due to unusual circumstances, or damage a scenic highway or scenic resource within a state scenic highway. The site is not located on a hazardous waste site and will not cause a substantial adverse change in the significance of a historical resource.

SECTION 4. Based on the foregoing factual findings the Planning Commission makes the following findings for the Conditional Use Permit pursuant to Hermosa Beach Municipal Code Section 17.40.020, finding that the use as conditioned will be compatible with the surroundings and all impacts can be reduced to an insignificant level:

17.40.020 General criteria for all uses

A. Distance from existing residential uses:

The nearest residential uses are located immediately to the north and west of the subject site, within the R-3 Multiple Family residential zone and approximately 50 feet from the tenant space wall. The proposed massage therapy business will be located within a multi-tenant building which includes other commercial uses such as 24-Hour Fitness and Fusion Academy. The proposed use will provide spa-related services and all services will be conducted strictly within Suite 285. In addition the proposed hours of operation for the use are proposed between 9:00 A.M. and 9:00 P.M. 7 days a week and will be conditioned to

be limited between 7:00 A.M. and 10:00 P.M. As such the use is not anticipated to create adverse impacts to nearby residential uses.

B. The amount of existing or proposed off-street parking facilities, and its distance from the proposed use:

Parking for the multi-tenant building is located in a parking structure with access from 16th street and is shared between all of the tenants in the building. The Hermosa Pavilion parking structure, governed by an existing Parking Plan pursuant to Planning Commission Resolution 08-23, has a total of 497 parking spaces. The existing Parking Plan permits minor changes to the allocation of uses, which do not create an increase in parking demand. Material changes that increase parking demand require an amendment to the Parking Plan, and an approval from the Planning Commission. The proposed massage therapy business has a parking standard of 1 parking space per 250 square feet of gross floor area. Although parking standards for massage therapy businesses are not exclusively detailed in the City's Municipal Code, the City has historically applied a ratio of 1 parking space per 250 square feet of gross floor area. The proposed establishment was previously located within the city at 1301 Manhattan Avenue with a parking ratio of 1 per 250 square feet, as approved through Conditional Use Permit 16-5. The previously approved use at the subject site (Kids Kabaret) was classified an auditorium use for parking purposes with a parking ratio of 1 per 50 square feet of gross floor area. The total required number of parking spaces for that previous auditorium use was 60 parking spaces. The total required number of parking spaces for the proposed use is 12 parking spaces. As such, the change in use from auditorium use to massage therapy use would not result in a material change that would increase parking demands. Instead, the proposed use would alleviate parking demands and would require 48 less parking spaces than is required for auditorium uses.

C. Location of and distance to churches, schools, hospitals and public playgrounds:

Hermosa Valley School is the nearest of these types of sensitive receptors at approximately 405 feet from the project site. The proposed massage therapy business is not anticipated to affect Hermosa Valley School or similar uses in the vicinity because conditions of approval have been added to the proposed resolution to ensure that all activities for the proposed use will be held strictly within Suite 285.

D. The combination of uses proposed:

The approved Parking Plan for the Hermosa Pavilion specifics the allocation of uses in the building including health and fitness facilities, general office, day spa, retail, and general storage. The proposed use is complementary to the existing uses in the building such as the existing health and fitness facilities. As conditioned, the proposed massage therapy business is not anticipated to have negative impacts. Noise impacts for massage therapy businesses are usually low impact due to the calm, quiet and relaxing environment that such businesses provide, and analysis of any potential parking impacts have been addressed in criteria B above.

E. Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses:

The business will operate within the confines of Suite 285 with no outdoor uses proposed. In addition, similar to their previous location, the business owner proposes a maximum of 24 people, including customers and employees, on site during their largest shift. The business did not create any code enforcement complaints or neighboring compatibility issues at their previous location at 1301 Manhattan Avenue. The business owner intends to operate the business as it was operated at the previous location. Therefore, compatibility concerns are not anticipated.

F. The relationship of the proposed business-generated traffic volume and the size of streets serving the area:

The subject site is serviced by a major aerial street (PCH) and a local street (16th Street). Pursuant to the 2017 General Plan Environmental Impact Report (EIR), “the performance of a roadway is measured in terms of level of service (LOS) a standardized methodology describing the efficiency of a roadway circulation system in relation to the quality of traffic operations and flow.” When the traffic studies for the 2017 General Plan EIR were conducted, the PCH and 16th Street intersection operated with a LOS of A (Excellent) during morning peak hours and a LOS of B (Very Good) during evening peak hours. Since that time, there have been no major development projects along the PCH corridor in the beach cities that would impact the intersection, and as such, it is reasonable to conclude the levels of service of the intersection have not changed. As previously indicated the proposed business projects to have a maximum of 24 people on site during the largest shift. No additional trips are anticipated to be generated from the proposed massage therapy use due to the size, type of business, and maximum occupancy. Thus, the proposed use will not intensify traffic volumes or impact surrounding major arterial or local streets.

G. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area:

There are no exterior building modifications proposed, and all proposed signage will require approval of a separate sign permit application.

H. The number of similar establishments or uses within close proximity to the proposed establishment:

The proposed business will be located within the Pacific Coast Highway Corridor, where there are approximately two massage therapy businesses. Massage therapy businesses typically thrive on providing spa-services in a calm, quiet and relaxing environment. In addition, pursuant to HBMC Section 17.40.1260, a licensed Massage Therapist is required to be on the premises at all times during operations hours and act as the “Responsible Massage Therapist” in order to ensure the best operational practices. Due to the general environment provided by a massage therapy businesses and licensing requirements, the proposed business is not anticipated to create negative cumulative impacts, such as noise. Instead, the relocation of the existing massage therapy business (Massage Envy) from 1301 Manhattan to the proposed location at 1601 Pacific Coast Highway will promote higher visibility and connectivity to surrounding cities in order to serve both local residents and the region.

I. Noise, odor, dust and/or vibration that may be generated by the proposed use:

The proposed use will offer massage and similar spa services, such as personal massages and facials. As such the proposed use is not anticipated to generate noise and vibration impacts. In addition, all services will be conducted within the suite (Suite 285) and will not generate odor impacts.

J. Impact of the proposed use to the city's infrastructure, and/or services:

The existing building is already adequately served by the various utility companies, infrastructure and municipal services, and the proposed use is not anticipated to place additional burden on current infrastructure and services.

K. Will the establishment contribute to a concentration of similar outlets in the area:

The proposed massage therapy business is similar to other massage-related establishments in the area such as the neighboring use, Hermosa Massage. Massage therapy businesses are typically health based and community-serving businesses which support Hermosa Beach's health conscious beach culture and the associated goals and policies of PLAN Hermosa. The proposed business as conditioned is not projected to generate negative impacts. Due to the size and type of the proposed business, there are no anticipated negative impacts from a concentration of the massage-related businesses.

L. Other considerations that, in the judgment of the Planning Commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

No other issues are identified.

SECTION 5. Based on the foregoing, the Planning Commission hereby approves the requested Conditional Use Permit, subject to the following **Conditions of Approval:**

- 1. The proposed project shall be substantially consistent with plans submitted and approved by the Planning Commission on March 19, 2019. Minor modifications that do not affect scale, type, location or intensity of uses or impacts thereof may be approved by the Community Development Director when not in conflict with the findings or conditions of this permit or the Municipal Code. Any substantial deviation must be reviewed and approved by the Planning Commission.**
- 2. Pursuant to Chapter 5.74 of the Hermosa Beach Municipal Code, a licensed Massage Therapist, 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 of the Hermosa Beach Municipal Code.**
- 4. Pursuant to Chapter 17.40.160 of the Hermosa Beach Municipal Code, the hours of operation shall be limited to between 7:00 A.M. and 10:00 P.M. daily.**

- 5. All massage therapy business activities/functions, which generally include massages and facials shall be limited to the interior of the 2,925 square foot tenant space, as designated on the plans.**
- 6. All doors and windows shall be maintained closed during the hours of operation.**
- 7. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance (Hermosa Beach Municipal Code Chapter 8.24) and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.**
- 8. Management shall be responsible for maintaining noise volumes at reasonable levels.**
- 9. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.**
- 10. A manager who is aware of the conditions of this Conditional Use Permit shall be on the premises during business hours. The Conditional Use Permit shall be maintained on the premises in a location where employees can easily read the conditions.**
- 11. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
- 12. The project and operation of the business shall comply with all applicable requirements of the Hermosa Beach Municipal Code.**
- 13. Exterior and interior water use shall comply with Chapter 8.56.**
- 14. The operation shall comply with all requirements of the Building, Fire and Public Works Departments.**
- 15. The project shall maintain in conformance with all other applicable City of Hermosa Beach and regulatory agency requirements and standards, including but not limited to: California Disabled Access Standards (Government Code Title 24) and Los Angeles County National Pollutant Discharge Elimination System Permit (NPDES).**
- 16. Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.**

SECTION 7. This permit 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 permit.

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 permit. 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.

The subject property shall be developed, maintained and operated in full compliance with the conditions of this permit and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

The Planning Commission may review this Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

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:
 NOES:
 ABSENT:
 ABSTAIN:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 19-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their adjourned regular meeting of March 19, 2019.

David Pedersen, Chairperson

Ken Robertson, Secretary

March 19, 2019

Date