

P.C. RESOLUTION XX-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A LIMITED HEALTH AND FITNESS (ASSEMBLY USE) USE LOCATED AT 914 AVIATION BOULEVARD (PROPOSED UNITY PERFORMANCE), HERMOSA BEACH, CA; 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 Kris Brown with “Unity Performance”, seeking approval of a limited health and fitness (assembly use) located at 914 Aviation, (proposed Unity Performance).

SECTION 2. The Planning Commission conducted a duly noticed public hearing on June 18, 2019, to consider the application for Conditional Use Permit 19-4 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 electrical and mechanical permits. 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 south of the building wall, within the R-3 Multiple Family Residential zone. Conditions of approval are included in the draft resolution to reduce potential noise and vibration impacts to existing nearby residential uses, which include requiring sound dampening mats to be located under all equipment, requiring that the building be equipped with air conditioning and requiring that noise emanating from the property comply with the

City's noise ordinance. Potential impacts are detailed further in criteria I below. As conditioned, the proposed 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:

There are currently 46 off-street parking space provided between 900-950 Aviation. Pursuant to P.C. Resolution 10-7, the approved Parking Plan “a change to office use and similar uses that do not involve high turnover of customers or classes is allowed.” Gymnasiums/ health and fitness centers which are less than or equal to 3,000 square feet and with less than or equal to 20 students at one time, if classes are offered, must provide 1 off-street parking space per 250 square feet of gross floor area per HBMC Section 17.44.030. The existing square footage of building is 2,040 and the applicant’s proposal is to have a maximum of 5 clients on-site during peak hours. The previous retail use and the proposed fitness facility (assembly use) utilize the same parking ratio of 1 off-street parking space per 250 square feet of gross floor area. Since there will be no increase to the net square footage of the commercial building and the proposed use utilizes the same parking ratio as the previous use, no additional parking is required.

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

The Community Center and the Hermosa Beach Church of Christ are the nearest of these types of sensitive receptors at approximately 780 feet from the project site. Due to the distance to sensitive receptors, the proposed assembly use is not anticipated to have adverse effects on the Community Center or the Hermosa Beach Church of Christ. Conditions of approval have been added to the draft resolution to mitigate potential impacts and it is unlikely that the proposed use will affect similar sensitive receptors in the vicinity.

D. The combination of uses proposed:

The entire 2,040 square foot building will be dedicated to the health and fitness golf instruction center and will not be combined with any other uses. Because the proposed use will be located within single tenant building, the proposed use, as conditioned, is anticipated to have minimal impacts on the surrounding commercial uses/buildings. Noise and vibration impacts and mitigations are detailed further in criteria I below, while parking is detailed 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:

In order to assure compatibility with surrounding uses, the business owner proposes to install sound absorbent Regupol Aktiv rubber mats under all weight training equipment and the business owner only proposes to utilize rubber weights. The strength fitness training area will also be located at the front of the building abutting Aviation Boulevard away from the residential uses in the rear of the property. The number of people onsite, as proposed by the business owner, is limited to a maximum of two employees during their largest shift and a maximum of 5 clients are anticipated on-site during peak hours and all business’ operations will be conducted strictly within the building. These precautions are all intended to minimize impacts related to noise, vibration and parking. Conditions of approval are included to ensure these precautions are maintained throughout the life of the operation, and as conditioned, it is anticipated that the proposed establishment will be compatible with existing surrounding uses. Noise and vibration impacts are detailed further in criteria I below.

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

The proposed fitness facility is not anticipated to generate additional trips because the capacity of the tenant space is not anticipated to increase and building square footage will not increase. Additionally, the previous retail use and the proposed assembly use utilize the same parking ratio of 1 off-street parking space per 250 square feet of gross floor area.

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

There are no proposed exterior façade modifications as part of the request. All proposed signage will require a separate sign permit application.

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

Unity Performance will be the first known golf instruction fitness facility in the city. There are several health and fitness facilities located within the City. There are two golf instruction businesses in the City of Torrance, Jeremy Okawa Golf Academy and GOLFTEC South Bay. Although there are many existing fitness facilities located within the city, Unity Performance will be the first fitness facility of its kind within the city and surrounding cities. This location is also within walking distance of many residences and businesses and thus, will be complementary to the surrounding commercial uses and residences in the community.

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

The proposal is to designate the front portion of the building (approximately 900 square feet) to strength fitness training, and the rear of the building (approximately 900 square feet) to the golf simulator bays. The strength fitness training area will include rubber dumbbells, rubber bumper plates, a lifting rack and a Keiser strength machine. Sound dampening mats will be installed in the strength training area and rubber weight equipment will be utilized in order to absorb shock and sound that may be created by the proposed activities. The proposed hours of operation are limited from 9 A.M. to 9 P.M. and higher intensity uses proposed by the business will be located in the front portion of the building abutting Aviation Boulevard and away from the residential uses located to the rear. The business owner has also proposed a speaker to be located in the strength training area. Conditions of approval have been added to the draft resolution in order to minimize potential noise impacts create by the proposed speakers. The tenant space has existing air conditioning and ventilation, which facilitates keeping all doors closed during business hours. Conditions of approval are included in the draft resolution to ensure compatibility of the proposed use with surrounding uses, such as maintaining a neat and clean premises, complying with the City's noise ordinance, strictly prohibiting weight dropping and requiring signage inside tenant space indicating no weight dropping, as well as ensuring that all fitness activities are limited to the interior of the tenant space. The proposed health and fitness facility use, as conditioned, is not anticipated to create adverse 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:

There are several fitness based uses located within the City of Hermosa Beach, with approximately three facilities located within the Aviation Corridor. Fitness centers are health based and community-serving businesses, which support Hermosa Beach's health conscious beach culture and the associated goals and policies of PLAN Hermosa. However, unlike other fitness facilities, the proposed health and fitness golf instruction center specializes in golf training and offers a specific service to the community. The proposed business as conditioned is not projected to generate negative impacts or cumulative impacts. Due to the size and type of the proposed business, there are no anticipated negative impacts from a concentration of the fitness-based 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 June 18, 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. The hours of operation shall be limited to between 8:00 A.M. and 10:00 P.M. daily.**
- 3. All health and fitness (assembly use) activities/functions, which generally includes equipment consisting of rubber dumbbells, rubber bumper plates, a lifting rack, a Keiser strength machine and golf simulators, shall be limited to the interior of the 2,040 square foot tenant space, as designated on plans.**
- 4. All doors and windows shall be closed during the hours of operation and the building shall be equipped with air conditioning.**
- 5. Sound dampening mats shall be located under all weight equipment within the health and fitness facility (assembly use).**
- 6. Weight dropping shall be strictly prohibited, and signage so indicating shall be posted throughout the tenant space, to the satisfaction of the Community Development Director.**

- 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. No entertainment, music, speakers, televisions, or audio or visual media of any type, whether amplified or unamplified, shall be provided within the front ten (10) feet of the tenant space or situated so as to be clearly visible to the public right-of-way (sidewalk).**
- 9. Management shall be responsible for maintaining noise volumes at reasonable levels.**
- 10. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.**
- 11. 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.**
- 12. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
- 13. The project and operation of the business shall comply with all applicable requirements of the Hermosa Beach Municipal Code.**
- 14. The practice of washing and rinsing floor mats, equipment, tables, etc., or discharge of any liquids, other than Storm water, onto the public right-of-way, into the parking lot drain or storm drains, is strictly prohibited. Discharge of liquids or wash water shall be limited to the sanitary sewer.**
- 15. Exterior and interior water use shall comply with Chapter 8.56.**
- 16. The operation shall comply with all requirements of the Building, Fire and Public Works Departments.**
- 17. 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).**
- 18. 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. XX-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 June 18, 2019.

David Peterson, Chairman

Ken Robertson, Secretary

June 18, 2019

Date