

P.C. RESOLUTION 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT (CUP 18-9) FOR A LIMITED GYMNASIUM/HEALTH AND FITNESS (ASSEMBLY HALL) USE LOCATED AT 307 PACIFIC COAST HIGHWAY (GAME READY 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 Jacquelyn Guerra with “Game Ready Performance,” seeking approval of a limited gymnasium/health and fitness (assembly hall) use located at 307 Pacific Coast Highway (proposed Game Ready Performance).

SECTION 2. The Planning Commission conducted a duly noticed public hearing on August 20, 2019, to consider the application for Amendment to Conditional Use Permit 18-9 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 but includes outdoor adjustments and minor site modifications, 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 residence is a nonconforming residential use located approximately 20 feet northwest of the rear (west) property line within the SPA-7 commercial zone and the nearest residential zone is located approximately 60 feet northwest of the rear (west) property line within the R-2 Two 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. A gym use has operated at this site since 1993 beginning with Boxing works from 1993 to 2014 which was then replaced with a children's play gym (Play Hive) from 2014 to 2017. Game Ready occupied the space in 2017 and has been in operation since. There have been no complaints for the prior or current businesses. 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:

The applicant proposes to continue the gymnasium/health and fitness use established by CUP 93-15 and PARK 93-3, which allowed the use to be established on an existing property, both indoors and outdoors, with no on-site parking. The site is land-locked and relies on the public parking lot across 3rd Street and other street parking. There are 22 off-street parking spaces in the City public parking lot provided across 3rd Street behind 201-233 Pacific Coast Highway. Pursuant to P.C. Resolution 93-52, the less-than-required parking "was justified and demonstrated that adequate parking was provided and/or was already available for customers that need parking." The parking requirement for Gymnasiums/ health and fitness centers 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, is 1 off-street parking space per 250 square feet of gross floor area (includes exterior site area for outdoor uses) per HBMC Section 17.44.030 equivalent to the parking requirement for general retail commercial uses. Approximately 480 square feet of the rear outdoor area will be used for bicycle parking only in order to limit the gross usable area to 3,000 square feet. The bicycle parking area is not considered to be gross floor area since it is not usable for the primary business operations except for bicycle parking. Since the use will have the equivalent parking requirement as previously approved by CUP 93-15 and Parking Plan 93-3, no additional parking is required or proposed. As conditioned, the proposed use is not anticipated to create adverse parking impacts.

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

Bi-Centennial Park, located at 4th Street and Valley Drive, is the nearest of these types of sensitive receptors at approximately 1,000 feet west of the project site. Due to the distance and continuation of the gymnasium/health and fitness assembly use, the proposed use is not anticipated to have adverse effects on Bi-Centennial Park. 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 1,600 square foot building and 1,400 square foot outdoor area (excluding 480 square feet of deactivated bicycle parking area) will be dedicated to the gymnasium/health and fitness center and will not be combined with any other uses. Because the use will be located within a 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 utilize sound speakers within the building only and not in the outdoor area. The business owner proposes stationary equipment with shock absorbers within the building and portable soft equipment only in the outdoor area. The rear 480 square foot outdoor area will be utilized for bicycle parking only. The number of people on-site, as proposed by the business owner, is limited to a maximum of three employees during their busiest periods and a maximum of 20 students/clients during peak hours (9:00 A.M and 9:00 P.M. daily) and all business operations will be contained on-site. These precautions are 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 gymnasium/health and fitness center is not anticipated to generate additional trips because the capacity of the existing building and outdoor area will not increase. Through the reduction of 480 square feet of outdoor area and utilizing the space for bicycle parking only, the business operations are limited to 3,000 square feet with class sizes limited to 20 students, consistent with the class size of gymnasium/health and fitness uses and with the general retail parking requirement. Pacific Coast Highway is classified as a Major Arterial Street designed to carry large volumes of traffic.

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

No proposed exterior façade modifications are proposed with this request. Any proposed signage will require a separate sign permit application and conform to the HBMC Section 17.50 for Signs.

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

Game Ready Performance will be a specialty fitness facility providing curriculum development for teams and elite athletes, fitness assessments, and recovery lab services after workouts and games. Other health and fitness facilities located nearby include South Bay Jiu Jitsu directly to the north at 325 Pacific Coast Highway, Anytime Fitness at 300 Pacific Coast Highway, Poise Fitness at 428 Pacific Coast Highway, and CrossFit South Bay at 725 5th Street.

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

The proposal is to designate the front portion within the building (1,600 square feet) to performance training and sports-related physical activity, stretching, fitness assessments, recovery services on stationary equipment (with applicable no/low impact shock absorbers), education and curriculum development, data analysis, and office work. The indoor area stationary equipment includes manual/powered treadmills (5), hydro-rowers (2), and a supercat machine for vertical jump assessments (1). The outdoor area (1,400 square feet) is designated for performance training and sports-related physical activity, meditation and stretching, education and curriculum development, and physical measurements. Outdoor equipment will include balls, hoops, goals, cones, bungees and plyometric jump boxes. The proposed hours of operation with clients present will be limited to 9 A.M. to 9 P.M. The business owner proposes a speaker in the indoor portion of the building be used when the roll-up doors and windows are closed. The tenant space has existing air conditioning and ventilation, which facilitates keeping all doors and windows closed during periods of amplified sound inside the building. Conditions of approval are included in the draft resolution to ensure compatibility of the proposed use with surrounding uses, such as closing the doors when amplified sound is provided within the building, maintaining a neat and clean premises, complying with the City's Noise Ordinance, all activities must be conducted on-site and not in public right-of-way areas, and strictly prohibiting any dropping of weights. In addition, the project is conditioned to require that a Temporary Minor Special Event Permit, pursuant to HBMC Section 17.42.150, be obtained for all events on-site. 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 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 uses located within the City of Hermosa Beach, with approximately five facilities located along or nearby the Pacific Coast Highway Corridor, including the adjacent South Bay Jiu Jitsu. Fitness centers are health based and community-serving businesses, which support the Hermosa Beach health conscious beach culture and the associated goals and policies of PLAN Hermosa. However, unlike other fitness facilities, the proposed gymnasium/health and fitness center offers a specialized service to the community to provide elite athletic training, analysis, assessments and recovery services by appointment only. 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.

The proposed application is an Amendment to CUP 93-15 and Parking Plan 93-3. The proposed resolutions for the new CUP 18-9 and Parking Plan 19-4 include applicable conditions from the 1993 approvals plus new conditions. These new resolutions will supersede the previously-approved 1993 Resolution 93-52.

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

1. This resolution of approval supersedes Resolution 93-52 for CUP 93-15 and Parking Plan 93-3.
2. The subject property shall additionally comply with Parking Plan P.C. Resolution **19-XX**.
3. The proposed project shall be substantially consistent with plans submitted and approved by the Planning Commission on August 20, 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.
4. The hours of operation with clients present shall be limited to between 9:00 A.M. and 9:00 P.M. daily.
5. All gymnasium/health and fitness, limited (assembly hall) activities/functions, which generally includes stationary equipment within the building such as treadmills, rowers, and zero-gravity chairs, shall be limited to the interior 1,600 square foot building and includes temporary and portable sport-specific equipment in the exterior 1,400 square feet of the outdoor area, as designated on plans.
6. All doors and windows shall be closed during the hours of operation when the interior speakers are on and the building shall be equipped with air conditioning.
7. Sound dampening mats shall be located under all weight equipment within the gymnasium/health and fitness facility (assembly hall).
8. Weight dropping shall be strictly prohibited.
9. 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.
10. No entertainment, music, speakers, televisions, or audio or visual media of any type, whether amplified or unamplified, shall be provided within the outdoor area of the tenant space or situated so as to be clearly visible to the public right-of-way (sidewalk).
11. Management shall be responsible for maintaining noise volumes at reasonable levels.

- 12. All activities shall be contained on-site. No training is permitted on the sidewalk or in public right-of-way areas.**
- 13. A Temporary Minor Special Event Permit, pursuant to Hermosa Beach Municipal Code Section 17.42.150, shall be obtained for all events on-site.**
- 14. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.**
- 15. 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.**
- 16. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
- 17. The project and operation of the business shall comply with all applicable requirements of the Hermosa Beach Municipal Code.**
- 18. 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.**
- 19. Exterior and interior water use shall comply with Chapter 8.56.**
- 20. The operation shall comply with all requirements of the Building, Fire and Public Works Departments.**
- 21. 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).**
- 22. 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 6. 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 7. 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 August 20, 2019.

David Pedersen, Chairman

Ken Robertson, Secretary

August 20, 2019

Date