

P.C. RESOLUTION 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN AMENDMENT (PARK 19-4) IN CONJUNCTION WITH A CONDITIONAL USE PERMIT AMENDMENT (CUP 18-9) FOR A LIMITED GYMNASIUM/HEALTH AND FITNESS (ASSEMBLY HALL) USE LOCATED AT 307 PACIFIC COAST HIGHWAY (PROPOSED 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 Parking Plan (PARK 19-4) in conjunction with an Amendment of Conditional Use Permit 18-9 (CUP 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 and involves only minor alterations to the interior of the 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 testimony and evidence received, the Planning Commission makes the following factual findings pursuant to Hermosa Beach Municipal Code Section 17.44.210 pertaining to the application for a Parking Plan amendment:

Parking Plan Criteria, Conditions and Standards

HBMC Section 17.44.210 states that a parking plan may be approved by the planning commission to allow for a reduction in the number of spaces required. The applicant shall provide the information necessary to show that adequate parking will be provided for customers, clients, visitors and employees or when located in a vehicle parking district, the applicant shall propose an in-lieu fee according to requirements of this chapter. The Planning Commission finds

that less than required parking (no spaces provided) is acceptable for the use based on the below factors.

17.44.210 Factors to be considered

A. *Van pools,*

Though most in-office appointments are for individuals, teams may occasionally come to the business location. For these cases, a condition of approval has been included in the Parking Plan resolution to encourage team appointments to utilize van pools when possible.

B. *Bicycle and foot traffic.*

Through the reduction of 480 square feet of outdoor area, new bicycle parking will be provided for clients and employees traveling by bicycle. A condition of approval has been included in the Parking Plan resolution to encourage local clients and employees to travel by bicycle when possible.

C. *Common parking facilities.*

A gymnasium/health and fitness center was established in 1993 by CUP 93-15 and PARK 93-3, which allowed the use to be established in an existing building with no on-site parking. The site is land-locked and relies on the public parking lot across 3rd Street. 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.”

D. *Varied work shifts.*

All clients are scheduled by appointment only. Staffing needs are according to appointments scheduled during the hours of 9:00 A.M and 9:00 P.M., which varies according to the daily needs. It is anticipated that there will be no more than 3 staff members on-site at peak time periods.

E. *Valet parking.*

No valet parking is requested as part of this application.

F. *Unique features of the proposed uses.*

None noted.

G. *Other methods of reducing parking demand.*

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.

H. *Peak hours of the proposed use as compared with other uses sharing the same parking facilities especially in the case of small restaurants or snack shops in the downtown area or in multi-tenant buildings.*

Clients are scheduled by appointment only, which allows consideration of parking availability. Typically peak weekend and evening hours which are most popular for restaurants are not as popular for the business operations of the proposed gymnasium/health and fitness center. Domino's Pizza and Hermosa Saloon are located adjacent to the shared parking lot behind 201-207 Pacific Coast Highway. They are served by on-site parking as well as the shared public parking lot.

Section 5. Based on the foregoing, the Planning Commission hereby **approves** the proposed Parking Plan amendment 19-4 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 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.**
- 2. This resolution approval supersedes Resolution 93-52 for CUP 93-15 and Parking Plan 93-3.**
- 3. The subject property shall additionally comply with Conditional Use Permit P.C. Resolution **19-XX**.**
- 4. Applicant shall encourage team appointments to utilize van pools when possible.**
- 5. The applicant shall encourage local clients and employees to travel by bicycle when possible.**
- 6. The rear 480 square feet of outdoor area shall be reserved for bicycle parking and storage only, as shown on approved plans.**
- 7. A Temporary Minor Special Event Permit, pursuant to Hermosa Beach Municipal Code Section 17.42.150, shall be obtained for all events on-site.**
- 8. The subject property shall be developed, maintained and operated in full compliance with the conditions of this permit, in addition to CUP P.C Resolution **19-XX**, and any law, statute, ordinance or other regulation hereafter adopted that is 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.**
- 9. Approval of this permit shall expire thirty-six (36) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby and by the Conditional Use Permit and Parking Plan have 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 Parking Plan amendment 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.

Section 7. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the final decision on this Parking Plan (either by the Planning Commission, or the City Council should they take jurisdiction of the project), must be made within 90 days after the final decision.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 19-4 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 August 20, 2019.

David Pedersen, Chairman

Ken Robertson, Secretary

August 20, 2019

Date