

P.C. RESOLUTION 93-52

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN AND CONDITIONAL USE PERMIT, TO ALLOW A GYMNASIUM/PHYSICAL FITNESS FACILITY WITH CLASSES AT 307 PACIFIC COAST HIGHWAY AND LEGALLY DESCRIBED AS LOT 26, WALTER RANSOM COMPANY'S VENABLE PLACE, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION

WHEREAS, the Planning Commission held a public hearing on August 3, 1993, to receive oral and written testimony regarding an application for a Parking Plan and Conditional Use Permit and made the following findings:

A. The applicant is proposing to utilize an existing commercial building for a gymnasium/physical fitness facility for training and classes for boxing and related exercise.

B. Less than required parking is justified for this intensification of use of the building, as the applicant has demonstrated, pursuant to the Section 1169, Parking Plans, that adequate parking will be provided and/or is already available for customers that need parking for the following reasons:

1. The location of the business is within a reasonable distance from residential areas, meaning a portion of its customers would arrive on foot or bicycle and bicycle racks will be provided to encourage the use of bicycles.
2. Because of its location near other commercial destinations and several public parking areas, customers will often be sharing their parking trips with other destinations which they would be visiting anyway, further reducing the parking impact directly associated with the subject business.
3. The peak hours for use of the facility and the times for classes are typically off-peak times for the public parking in the area, and are at times when parking on P.C.H. is permitted, thus the public parking in the area should be sufficient to absorb the increased parking demand.

- 1 C. The proposed use, as amended is appropriate for the subject  
2 location and will be compatible with surrounding commercial  
3 activities along Pacific Coast Highway;
- 4 D. Strict compliance with the conditions of approval will  
5 mitigate any negative impact resulting from the issuance of  
6 the parking plan and conditional use permit;
- 7 E. The use is consistent with the General Commercial, General  
8 Plan designation;
- 9 F. An environmental assessment has been conducted by the Staff  
10 Environmental Review Committee and this project was  
11 determined to qualify for a negative declaration.

12 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission  
13 of the City of Hermosa Beach, California does hereby approve a  
14 Parking Plan and Conditional Use Permit to allow a  
15 gymnasium/physical fitness facility at 307 Pacific Coast Highway  
16 subject to the following conditions which supersede the  
17 conditions of P.C. Resolution 89-5:

18 SECTION I Specific Conditions of Approval

- 19 1. The project shall be substantially consistent with submitted  
20 plans. Any minor modifications to the plan shall be reviewed  
21 and may be approved by the Planning Director.
- 22 2. The hours for the use of the facility for individual training  
23 and exercise shall be unrestricted unless complaints are  
24 received. The hours for holding classes or training for  
25 groups of people (3 or more) shall be limited to after 7:00  
26 P.M. on weekdays or any hours during weekends. If there are  
27 complaints about the hours of business operation, the hours  
28 will be set by the Planning Director which may be appealed to  
the Planning Commission.
3. A bicycle rack shall be provided on site as shown on plans.  
Bicycles shall not be permitted to encroach onto the public  
sidewalk.

SECTION II General operating conditions:

1. The exterior of the premises shall be maintained in a neat  
and clean manner.
2. The establishment shall not adversely effect the welfare of  
the residents, and/or commercial establishments nearby.

1 3. Noise emanating from the property shall be within the  
2 limitations prescribed by the city's noise ordinance and  
shall not create a nuisance to surrounding residential  
neighborhoods, and/or commercial establishments.

3 4. A manager or employee who is aware of the conditions of this  
4 conditional use permit shall be on the premises during  
business hours.

5 (a) The conditional use permit conditions shall be placed on  
6 the property in a location where employees can easily  
read the conditions.

7 SECTION III

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

11 The Conditional Use Permit and Parking Plan shall be recorded,  
12 and proof of recordation shall be submitted to the Planning  
Department.

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

15 Permittee shall defend, indemnify and hold harmless the City, its  
16 agents, officers, and employees from any claim, action, or  
17 proceeding against the City or its agents, officers, or employees  
to attack, set aside, void or annul this permit approval, which  
18 action is brought within the applicable time period of Government  
Code Section 65907. The City shall promptly notify the permittee  
19 of any claim, action, or proceeding and the City shall cooperate  
fully in the defense. If the City fails to promptly notify the  
20 permittee of any claim, action or proceeding, or if the City  
fails to cooperate fully in the defense, the permittee shall not  
21 thereafter be responsible to defend, indemnify, or hold harmless  
the City.

22 The permittee shall reimburse the City for any court and  
23 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  
24 grant. Although the permittee is the real party in interest in  
an action, the City may, at its sole discretion, participate at  
25 its own expense in the defense of the action, but such  
participation shall not relieve the permittee of any obligation  
under this condition.

26 The subject property shall be developed, maintained and operated  
27 in full compliance with the conditions of this grant and any law,  
statute, ordinance or other regulation applicable to any  
28 development or activity on the subject property. Failure of the

1 permittee to cease any development or activity not in full  
2 compliance shall be a violation of these conditions.

3 The Conditional Use Permit and Parking Plan shall automatically  
4 expire within one (1) year of the date of approval of said  
5 entitlements unless permittee and/or owner(s) have commenced  
6 construction of the project, unless an extension to said time  
7 period has been granted by the Planning Commission.

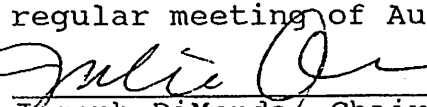
8 SECTION IV

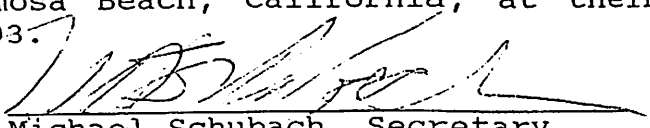
9 The Planning Commission may review this Precise Development Plan  
10 and Conditional Use Permit and may amend the subject conditions  
11 or impose any new conditions if deemed necessary to mitigate  
12 detrimental effects on the neighborhood resulting from the  
13 subject use.

14 VOTE: AYES: Comms.Marks,Merl,Oakes,Chmn.Di Monda  
15 NOES: None  
16 ABSTAIN: None  
17 ABSENT: Comm.Suard

18 CERTIFICATION

19 I hereby certify the foregoing Resolution P.C. 93-52 is a true  
20 and complete record of the action taken by the Planning  
21 Commission of the City of Hermosa Beach, California, at their  
22 regular meeting of August 3, 1993.

23   
24 Joseph DiMonda, Chairman Julie  
25 Oakes

26   
27 Michael Schubach, Secretary

28 Date

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