

P.C. RESOLUTION 20-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 19-12), A REQUEST TO OPERATE A FITNESS STUDIO ON PROPERTY LOCATED AT 828 HERMOSA AVE, 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 Colleen McNutt for Lightning Fit seeking approval of a fitness studio, which is classified by the HBMC as an “Assembly Hall” use, on property located at 828 Hermosa Avenue, Hermosa Beach, CA.

SECTION 2. The Planning Commission conducted a duly noticed public hearing on January 21, 2020, to consider the application for Conditional Use Permit 19-12 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 or 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:

1. Distance from existing residential uses:

The subject parcel is located in the C-2 zone and has commercial uses on the north and south sides of the site. Residential properties currently exist across Hermosa Avenue (approximately 100’ to the west), which are zoned R-2; and across Palm Drive (approximately 80’ to the east), which are zoned R-3. Nevertheless, the fitness studio will have fewer customers at a time than the former market. Specifically, the applicant is estimating that no more than eight clients will train at the fitness center at any given time; whereas, the market had an occupant load of 24 persons. Additionally, conditions of

approval have been included to require that all doors into the establishment remain closed; the ability for the City to mitigate noise impacts, should noise complaints be received; and all operations are contained within the building, further preventing potential adverse impacts to the surrounding residences and businesses.

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

The proposed fitness studio will occupy a 1,298 square foot tenant space. Based on the required parking ration of one space per 250 square feet of floor area, the fitness studio requires six parking spaces. The property provides five parking spaces, which is insufficient to meet the code requirement for all the uses on-site. Nevertheless, the previous use in this tenant space was a market, which has the same parking requirement (1/250) as the proposed fitness studio. Hermosa Beach Municipal Code 17.52.035(E) allows a change of use when the parking is non-conforming, provided the new use does not intensify the parking requirement. Accordingly, the proposed business is not required to provide additional parking.

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

The public beach is located approximately 510' west of the site, Clark Field is located approximately 1,000' northeast of the site, and South Park is located approximately 1,100' southeast of the site. The operation of the fitness studio will not impact these, or other uses in the vicinity. Nevertheless, several conditions of approval, including requiring all activities are conducted in the fully enclosed building and all doors and windows remain closed have been incorporated into this resolution. These conditions will prevent potential adverse impact from occurring.

4. *The combination of uses proposed:*

The 1,298 square foot tenant space will only be occupied by the fitness studio (Lightning Fit). However, the business will be located in a multi-tenant building that also includes a restaurant and beauty salon. The tenant space previously was occupied with a market that had an occupant load of 24 people and did not contribute towards a significant cumulative impact to the surrounding area. It is anticipated that the proposed fitness studio will only have eight clients working out at any given time, thus will be less likely than the former market to contribute to a significant cumulative impact on those who live and work in the area.

5. *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 proposed to limit the number of customers utilizing the facility at any given time. The proposed floor plan provides four workout stations, which will limit the number of people that can workout at one time. This limited number of clients shows the business owner has considered the surrounding uses and has designed the business to be compatible with the area.

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

The subject site is located on Hermosa Ave, a four-lane (two lanes in each direction) minor arterial. The anticipated daily traffic generated from the previous market with deli exceeds the expected daily traffic from the fitness studio. Not only is the traffic generation expected to decrease, but also Hermosa Avenue has sufficient capacity to accommodate the business-generated traffic.

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

No 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.

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

While there are other fitness studios and gyms in the vicinity of the proposed use, this business offers a unique service. The use of electrical muscle stimulation suits during workouts is not found in other businesses in the area.

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

The operation of a fitness studio is not typically associated with creation of odor, dust or vibration. However, potential noise impacts need to be addressed. Conditions of approval to require that all doors into the establishment remain close and all operations are contained within the building have been incorporated in this resolution, thereby preventing potential adverse impacts from noise.

10. *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.

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

While there are other fitness studios and gyms in the vicinity of the proposed use, this business offers a unique service. The use of electrical muscle stimulation suits during workouts is not found in other businesses in the area.

12. *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.*

Several conditions of approval have been included that will prevent adverse impacts and assure the compatibility of the use with the surrounding uses.

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

1. **This approval authorizes operation of a fitness studio within a 1,298 square foot tenant space on property located at 828 Hermosa Avenue.**
2. **The proposed project shall be substantially consistent with plans submitted and approved by the Planning Commission on January 21, 2020. 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.**
3. **The hours of operation shall be between 5:00 a.m. and 9:00 p.m., Monday through Friday; and 7:00 a.m. and 4:00 p.m., Saturday and Sunday.**
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.**
6. **Weight dropping shall be strictly prohibited.**
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. Should the City receive excessive valid noise complaints, the Community Development Director may require the applicant to prepare a noise study on the business. The cost of preparing the noise study shall be borne by the applicant; however, the scope of work shall be reviewed and approved by the Community Development Director. The applicant shall implement all mitigation measures identified in the noise study.**
8. **Management shall be responsible for maintaining noise volumes at reasonable levels.**
9. **All activities shall be fully contained within the enclosed tenant space. There shall be no training or other activity related to the business within the parking lot, on sidewalks, or in the public right-of-way area.**
10. **Prior to the commencement of any work within the tenant space, the applicant shall obtain all necessary plan checks and permits. All work shall comply with the most recent version of the California Building Code, as adopted by the City of Hermosa Beach.**

- 11. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.**
- 12. 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 approval resolution shall be maintained on the premises in a location where employees can easily read the conditions.**
- 13. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
- 14. The project and operation of the business shall comply with all applicable requirements of the Hermosa Beach Municipal Code.**
- 15. 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.**
- 16. Exterior and interior water use shall comply with Chapter 8.56.**
- 17. The operation shall comply with all requirements of the Building, Fire and Public Works Departments.**
- 18. 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).**
- 19. 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 sixty (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. 20-__ 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 January 21, 2020.

Peter Hoffman, Chair

Ken Robertson, Secretary

January 20, 2020+

Date