



Legislation Details (With Text)

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Title: CUP 19-1: A request for a Conditional Use Permit to allow a massage therapy business at 1601 Pacific Coast Highway, Suite 285, (Massage Envy) and determination that the project is Categorically Exempt from the California Environmental Quality Act.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1. Draft Resolution, 2. 2. Applicant Submittal, 3. 3. Site Photos, 4. 4. Zoning Map and Aerial Photo, 5. 5. Legal Poster and Radius Map, 6. 6. PC Reso 08-23, 7. 7. PC Reso 16-32, 8. 8. PC Reso 10-1

Date	Ver.	Action By	Action	Result
3/19/2019	1	Planning Commission		

Honorable Chairman and Members of the Hermosa Beach Planning Commission

Regular Meeting of March 19, 2019

CUP 19-1: A request for a Conditional Use Permit to allow a massage therapy business at 1601 Pacific Coast Highway, Suite 285, (Massage Envy) and determination that the project is Categorically Exempt from the California Environmental Quality Act.

Applicant: Be Your Own Beautiful Inc. (dba Massage Envy)
2436 W. 235th Street
Torrance, CA 90501

Owner: 1601 PCH, L.P.
201 Wilshire Boulevard, 2nd Floor
Santa Monica, CA 90401

Recommended Action:

Adopt the attached resolution approving Conditional Use Permit 19-1 to allow a massage therapy business at 1601 Pacific Coast Highway (Massage Envy), and determine that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Summary:

Based on the analysis above, the proposed massage therapy business located at 1601 Pacific Coast Highway, Suite 285 (Massage Envy), as conditioned, is consistent with the Hermosa Beach Municipal

Code and PLAN Hermosa. Staff recommends the Planning Commission adopt the attached resolution approving CUP 19-1, and determine that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Background:

ZONING:	(SPA-8) Specific Plan Area 8
GENERAL PLAN:	Community Commercial
EXISTING USE:	Auditorium Use
PROPOSED USE:	Massage Therapy Business
BUILDING AREA:	Approximately 115,970 square feet
FLOOR AREA OF SUBJECT PREMISES:	Approximately 2,925 sq. ft.
PARKING IN HERMOSA BEACH PAVILION:	497 spaces (mixture of standard, compact, and handicap stalls)
ENVIRONMENTAL DETERMINATION:	Categorically Exempt, 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.

Located in the northwest corner of Pacific Coast Highway (PCH) and 16th street, the project site is located within the Hermosa Pavilion multi-story, multi-tenant building at 1601 Pacific Coast Highway (Suite 285) with 280 feet of frontage along PCH. The tenant space is located on the second floor level and is adjacent to a law office and a beauty salon (Salon Republic). The closest residential uses are located immediately to the north and west of the multi-tenant building. Suite 285 was previously occupied by an auditorium use (Flying Stone Jazz Café).

The Hermosa Pavilion building is governed by entitlements for the building as a whole and for individual uses located within the multi-tenant building. In 2005 the Planning Commission approved a Condition Use Permit (CUP) for a music and performing arts academy, occasional children's parties and special performances for children ages 14-18 operating from 8 am to 11:00pm (Kids Kabaret). The approved use was classified as an auditorium use for parking purposes with a parking ratio of 1 space per 50 square feet of gross floor area. In 2009, the Flying Jazz café applied for a CUP amendment, however it was denied by the Planning Commission. Thus, the active parking ratio for the subject suite remains 1 space per 50 square feet. In addition, City Council Resolution 06-6513 modified the allocation of uses in the building, and the allocation of uses was further modified by Planning Commission Resolution 08-23 (Parking Plan Amendment) as follows:

<u>Use</u>	<u>Allocation (sq. ft.)</u>
Health and Fitness Facility (inc. basketball court + pool)	46,000
Office	20,400
Day Spa	13,000
Retail (Including wine shop)	9,600
Restaurant (including food related sales)	8,000
Auditorium	3,000
Storage	5,500
Wine storage	<u>10,100</u>
Total	115,600

It is important to note that any material change to this allocation that increases parking demand requires approval by the Planning Commission of an amendment to the Parking Plan.

The proposed business (Massage Envy) is a massage therapy business offering one-on-one spa type services to members and non-members. All provided services are approximately 60 minutes and will be conducted strictly within the proposed suite. Hours of operation are proposed between 9:00 A.M. and 9:00 P.M. 7 days a week with a maximum of occupancy of 24 people per day. The proposed floor plan for the massage therapy business will include a reception area, an office, a laundry area, an employee lounge, a waiting area “tranquility room,” four skin care rooms, and seven therapy rooms. Of the seven therapy rooms, only one room will have more than one massage therapy table/bed. The business successfully operated at a previous location within the city at 1301 Manhattan Avenue for approximately nine years without code enforcement issues or complaints; however, due to a termination in the lease, the business proposes to relocate to the subject site in hopes to achieve better visibility and accessibility.

Analysis:

The purpose of the SPA-8 (Specific Plan Area- 8) zone is to set forth the development requirements, standards and permitted uses for the subject area, and to carry out the policies of the Commercial Corridor General Plan area as stated in the Land Use element of the General Plan. Commercial permitted uses in SPA-8 are the same as those permitted in the C-3 (General Commercial) zone as contained in Hermosa Beach Municipal Code (HBMC) Section 17.26.040, and nonconforming uses are subject to the provisions of HBMC Chapter 17.52.

Pursuant to HBMC Section 17.26.030, the proposed massage therapy business requires a CUP in the C-3 zone. The HBMC defines a massage therapy business as “an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state as part of a medical clinic”. This definition excludes a gymnasium/health and fitness center, school, barber/beauty shop, or similar establishment where massage or similar manipulation of the

human body is offered by an individual as an incidental or accessory service and does not occupy more than 25 percent of the area of the establishment.

Massage Therapy Business

HBMC Section 17.40.160 establishes conditions and standards of operation for massage therapy businesses, in order to ensure compatibility with existing or permitted uses in the vicinity. In considering the granting of any massage therapy business the Code requires that the permits be conditioned with the following standards of operations:

- “A. A licensed Massage Therapist, pursuant to Chapter 5.74 of the Hermosa Beach Municipal Code, shall be on the premises at all times when the business is open. The business may employ technicians or aides only if supervised by a licensed Massage Therapist.
- B. Management shall adopt, inform patrons and employees of, and strictly enforce all requirements of the Conditional Use Permit and all regulations as set forth in Chapter 5.74.
- C. Hours of operation shall be limited to between 7:00 A.M. and 10:00 P.M. or other hours as established by the Planning Commission if deemed necessary because of proximity to residential uses.”

Conditions of approval have been added to the draft resolution to ensure that the proposed massage therapy business is consistent with HBMC Sections 17.40.160 and Section 5.74.

CUP Criteria, Conditions and Standards:

HBMC Section 17.40.020 establishes the criteria, conditions and standards for reviewing, granting and amending CUPs in order to reduce the potential for adverse secondary land use impacts. In considering the granting of any CUP for any use, the following criteria for granting said permit shall be considered:

17.40.020 General criteria for all uses

A. Distance from existing residential uses:

The nearest residential uses are located immediately to the north and west of the subject site, within the R-3 Multiple Family residential zone and approximately 50 feet from the tenant space wall. The proposed massage therapy business will be located within a multi-tenant building which includes other commercial uses such as 24-Hour Fitness and Fusion Academy. The proposed use will provide spa-related services and all services will be conducted strictly within Suite 285. In addition the proposed hours of operation for the use are proposed between 9:00 A.M. and 9:00 P.M. 7 days a week and will be conditioned to be limited between 7:00 A.M. and 10:00 P.M. As such the 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:

Parking for the multi-tenant building is located in a parking structure with access from

16th street and is shared between all of the tenants in the building. The Hermosa Pavilion parking structure, governed by an existing Parking Plan pursuant to Planning Commission Resolution 08-23, has a total of 497 parking spaces. The existing Parking Plan permits minor changes to the allocation of uses, which do not create an increase in parking demand. Material changes that increase parking demand require an amendment to the Parking Plan, and an approval from the Planning Commission. The proposed massage therapy business has a parking standard of 1 parking space per 250 square feet of gross floor area. Although parking standards for massage therapy businesses are not exclusively detailed in the City's Municipal Code, the City has historically applied a ratio of 1 parking space per 250 square feet of gross floor area. The proposed establishment was previously located within the city at 1301 Manhattan Avenue with a parking ratio of 1 per 250 square feet, as approved through Conditional Use Permit 16-5. The previously approved use at the subject site (Kids Kabaret) was classified an auditorium use for parking purposes with a parking ratio of 1 per 50 square feet of gross floor area. The total required number of parking spaces for that previous auditorium use was 60 parking spaces. The total required number of parking spaces for the proposed use is 12 parking spaces. As such, the change in use from auditorium use to massage therapy use would not result in a material change that would increase parking demands. Instead, the proposed use would alleviate parking demands and would require 48 less parking spaces than is required for auditorium uses.

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

Hermosa Valley School is the nearest of these types of sensitive receptors at approximately 405 feet from the project site. The proposed massage therapy business is not anticipated to affect Hermosa Valley School or similar uses in the vicinity because conditions of approval have been added to the proposed resolution to ensure that all activities for the proposed use will be held strictly within Suite 285.

D. The combination of uses proposed:

The approved Parking Plan for the Hermosa Pavilion specifics the allocation of uses in the building including health and fitness facilities, general office, day spa, retail, and general storage. The proposed use is complementary to the existing uses in the building such as the existing health and fitness facilities. As conditioned, the proposed massage therapy business is not anticipated to have negative impacts. Noise impacts for massage therapy businesses are usually low impact due to the calm, quiet and relaxing environment that such businesses provide, and analysis of any potential parking impacts have been addressed 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:

The business will operate within the confines of Suite 285 with no outdoor uses proposed. In addition, similar to their previous location, the business owner proposes a maximum of 24 people, including customers and employees, on site during their largest

shift. The business did not create any code enforcement complaints or neighboring compatibility issues at their previous location at 1301 Manhattan Avenue. The business owner intends to operate the business as it was operated at the previous location. Therefore, compatibility concerns are not anticipated.

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

The subject site is serviced by a major aerial street (PCH) and a local street (16th Street). Pursuant to the 2017 General Plan Environmental Impact Report (EIR), “the performance of a roadway is measured in terms of level of service (LOS) a standardized methodology describing the efficiency of a roadway circulation system in relation to the quality of traffic operations and flow.” When the traffic studies for the 2017 General Plan EIR were conducted, the PCH and 16th Street intersection operated with a LOS of A (Excellent) during morning peak hours and a LOS of B (Very Good) during evening peak hours. Since that time, there have been no major development projects along the PCH corridor in the beach cities that would impact the intersection, and as such, it is reasonable to conclude the levels of service of the intersection have not changed. As previously indicated the proposed business projects to have a maximum of 24 people on site during the largest shift. No additional trips are anticipated to be generated from the proposed massage therapy use due to the size, type of business, and maximum occupancy. Thus, the proposed use will not intensify traffic volumes or impact surrounding major arterial or local streets.

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

There are no exterior building modifications proposed, and all proposed signage will require approval of a separate sign permit application.

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

The proposed business will be located within the Pacific Coast Highway Corridor, where there are approximately two massage therapy businesses. Massage therapy businesses typically thrive on providing spa-services in a calm, quiet and relaxing environment. In addition, pursuant to HBMC Section 17.40.1260, a licensed Massage Therapist is required to be on the premises at all times during operations hours and act as the “Responsible Massage Therapist” in order to ensure the best operational practices. Due to the general environment provided by a massage therapy businesses and licensing requirements, the proposed business is not anticipated to create negative cumulative impacts, such as noise. Instead, the relocation of the existing massage therapy business (Massage Envy) from 1301 Manhattan to the proposed location at 1601 Pacific Coast Highway will promote higher visibility and connectivity to surrounding cities in order to serve both local residents and the region.

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

The proposed use will offer massage and similar spa services, such as personal massages and facials. As such the proposed use is not anticipated to generate noise and vibration impacts. In addition, all services will be conducted within the suite (Suite 285) and will not generate odor 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:

The proposed massage therapy business is similar to other massage-related establishments in the area such as the neighboring use, Hermosa Massage. Massage therapy businesses are typically health based and community-serving businesses which support Hermosa Beach's health conscious beach culture and the associated goals and policies of PLAN Hermosa. The proposed business as conditioned is not projected to generate negative impacts. Due to the size and type of the proposed business, there are no anticipated negative impacts from a concentration of the massage-related 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.

Environmental Determination:

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. 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.

General Plan Consistency:

The proposed establishment is located within the Community Commercial (CC) General Plan Land Use area, the purpose of which is to provide opportunities and locations for uses designed to serve the shopping, dining, and employment desires of the entire community. The Community Commercial land use designation provides space for locally oriented commercial uses including retail stores,

restaurants, professional and medical offices, and personal services.

The proposed establishment is also located within the Pacific Coast Highway Corridor Character Area. The Corridor serves as the primary entry point into Hermosa Beach, as well as a pass-through corridor between adjacent cities. Land uses within the Corridor should include a variety of commercial retail, office, residential, and auto-orientated uses. The distribution of land uses is intended to serve local residents and the region. Parking located within the Corridor should be arranged along sides or underneath buildings, with gateway commercial uses providing parking structures. The location of the proposed commercial use will allow services to be accessed by both local and regional clients, as well as visitors to the area. The existing multi-tenant building is serviced by the Hermosa Pavilion parking structure which is arranged along the side and underneath the building.

The proposed uses also implements the following PLAN Hermosa goals and policies: Community Governance policies 5.1 Residential and commercial compatibility, 5.7 Visitor and resident balance, 6.2 Regional presence, 7.5 Health-promoting uses, 7.9 Healthy commercial products and Land Use and Design policies 1.3 Access to daily activities, 1.5 Balance resident and visitor needs, 1.7 Compatibility of uses, 1.9 Retain commercial land area, 13.2 Social and health needs, 13.4 Private health uses, and 13.6 Connecting health and land use.

Attachments:

1. Proposed Resolution
2. Applicant Submittal
3. Site Photos
4. Zoning Map & Aerial Photo
5. Legal Poster and Radius Map
6. Planning Commission Resolution 08-23
7. Planning Commission Resolution 16-32
8. Planning Commission Resolution 10-1

Respectfully Submitted by: Yuritzy Randle, Assistant Planner
Concur: Kim Chafin, Planning Manager
Approved: Ken Robertson, Community Development Director