

P.C. RESOLUTION 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT (CUP 20-3) FOR A DANCE AND MUSIC STUDIO (ASSEMBLY HALL) USE LOCATED AT 402 PACIFIC COAST HIGHWAY (SCHOOL OF DANCE AND MUSIC), 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 Liliana Somma and Dan Galitzen seeking approval of a CUP amendment for a dance and music studio (assembly hall) use located at 402 Pacific Coast Highway (School of Dance and Music).

SECTION 2. The Planning Commission conducted a duly noticed public hearing on May 19, 2020, to consider the application for Conditional Use Permit Amendment 20-3 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 and minor alterations to the exterior including new doors and windows. 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 amendment 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 residences are a multi-family residential building immediately across the alley 24 feet to the northeast; and a single family residence across the 24 foot wide alley, beyond the 18 feet deep row of public parking, plus residential setback, totaling 44 feet to the east of the proposed dance and music studio. Both nearby residential buildings are in the R-1 (Single Family Residential) zone.

Conditions of approval are included in the resolution to reduce potential noise and vibration impacts to nearby uses, including sound dampening materials to be located in the studio, requiring doors and windows to be closed during operating hours, requiring that the building be equipped with air conditioning, and requiring that any noise emanating from the property complies with the City's Noise Ordinance.

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

The expanded dance and music studio will occupy 3,000 square feet and the reduced retail will occupy 1,066 square feet of the single story building located at the northeast corner of Pacific Coast Highway and 4th Street. The existing 4,066 square feet two-tenant building is required by code to supply 16 spaces and is currently non-conforming with 12 parking spaces available in the joint parking lot adjacent to the business entry doors. There are also 10 metered public parking spaces across the alley.

The parking requirement for a dance and music studio falls under the category of a smaller gymnasium/health and fitness center, as follows:

- a. Less than or equal to three thousand (3,000) square feet and with less than or equal to twenty (20) students at one time if classes are offered: one (1) space per two hundred fifty (250) square feet of gross floor area.

The proposed dance and music studio is 3,000 square feet and can accommodate up to 20 students at one time. This parking ratio is similar to that required for general retail uses, as well as the previous laundry facility and liquor store in the building. Therefore, based on parking requirements, the parking demand will not be intensified for the proposed dance and music studio.

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 1,200 feet west of the project site. Due to the distance and characteristics of a dance and music studio, the proposed use is not anticipated to have adverse effects on Bi-Centennial Park. Conditions of approval have been added to the 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 3,000 square foot dance and music studio will be located with a 1,066 square foot retail space in a 4,066 square foot building. The proposed use, as conditioned, is anticipated to have minimal impacts on the surrounding commercial or residential uses or 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 studio portions of the interior only. A condition is included requiring the dance and music studio to keep the doors and windows closed during operating hours. Conditions are also included to limit the dance and music studio to a maximum of 20 students with staggered classes during open hours (9:00 A.M and 9:30 P.M. daily) and all business operations must be contained within the tenant space. A minimum amount of equipment is necessary for dance and music instruction, including permanently installed mirrors and ballet barres in the three dance studios. The two small music studios will use musical instruments including guitar, violin, and piano for instruction and due to size will be limited to one-on-one instruction. The business owner is constructing the dance and music studio with sound-minimizing windows and doors (specifications from Arcadia Acoustic Products included in plans). The dance studio flooring will be constructed as a “floating floor” that rests on approximately 2,900 high density foam blocks of 2-inch cubes underneath each of the dance floor surfaces to decrease vibration. These precautions are intended to minimize impacts related to noise and vibration. 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 school of dance and music (assembly hall) is 3,000 square feet and can accommodate up to 20 students with staggered classes. The required parking ratio is similar to the previous laundry facility and liquor store uses in the building. Therefore, the parking demand will not be intensified for the proposed dance and music studio.

Pacific Coast Highway is classified as a Major Arterial Street designed to carry large volumes of traffic. 4th Street is considered a Local Street designed to provide connections within neighborhoods. Local streets are not intended to serve through traffic and are generally one lane each direction with lower vehicle volumes. The adjacent Alley is considered an Alleyway to provide access to private properties, including parking spaces and garages.

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

The exterior façade modifications associated with this request are minor. Permits were issued in April 2020 to prepare the interior of the building and exterior facade for the request being considered by the Commission tonight. Construction has commenced and the existing roof canopy and existing brick veneer will remain but will be refreshed and updated with paint. The front doors and windows will be replaced with new acoustic storefront doors and windows. The modified existing single story building is compatible with existing buildings and establishments in the area.

Any proposed signage will require a separate sign permit application and conform to the HBMC Section 17.50 for Signs. Pursuant to HBMC Section 17.50.170 Nonconforming

signs in all zones- “Signs lawfully existing at the time of the adoption of this section which do not comply with the sign ordinance shall be deemed legal nonconforming structures and shall be removed or made to comply whenever the following conditions occur.” The City’s Building Official has determined that condition 3 has already been met with “The building or land use upon which the sign is located is expanded or enlarged and the sign is effected by the construction enlargement or remodeling, or the cost of construction, enlargement, or remodeling, exceeds fifty (50) percent of the replacement cost of the building.” Therefore, the project is conditioned to require the non-conforming roof signs be removed prior to issuance of sign permits for the building and prior to implementing the Conditional Use Permit. Any proposed signage shall require a separate sign permit application and shall conform to the HBMC Section 17.50 for Signs.

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

The School of Dance and Music will join one other nearby music studio at 300 Pacific Coast Highway, one similar combined dance and music studio on Aviation Boulevard, and one other small dance studio on Hermosa Avenue within Hermosa Beach.

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

The proposal for the School of Dance and Music is to conduct dance classes using mirrors and permanently-installed barres in the 3 dance studios with floating floors supported by foam cubes to reduce vibration for up to 20 students. The music classes will include musical instruments such as guitar, violin, and piano plus voice lessons. The proposed hours of operation are 9:00 A.M. to 9:30 P.M. The business proposes 2 wall-mounted speakers in each of the 3 the dance studios. The tenant building has existing air conditioning and ventilation, which facilitates keeping all doors and windows closed. Conditions of approval are included in the resolution to ensure compatibility of the proposed use with surrounding uses, such as closing the doors during operating hours, complying with the City's Noise Ordinance, and limiting all activities to be conducted within the building. The proposed dance and music studio (assembly hall) 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 three dance and/or music studios located within the City of Hermosa Beach, with one music instruction facility located nearby at 300 Pacific Coast Highway, one dance and music instruction facility at 1089 Aviation Blvd., and one small dance studio at 1221 Hermosa Avenue. Dance and music studios support the Hermosa Beach arts and cultural community and the associated goals and policies of PLAN Hermosa. Due to the size and type of the proposed business, there are no anticipated negative impacts from a concentration dance and music based businesses.

L. Other considerations that, in the judgement of the Planning Commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

The prior application was for a new CUP 19-11 for a dance and music (assembly hall) studio at 402 Pacific Coast Highway (School of Dance and Music). The new application is for a CUP amendment 20-3 and the proposed resolution includes applicable conditions of approval and the prior resolution 19-29 will be replaced and fully null and void

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. The proposed project shall be substantially consistent with plans submitted and approved by the Planning Commission on May 19, 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.**
- 2. The hours of operation with clients present shall be limited to between 9:00 A.M. and 9:30 P.M. daily, and classes shall be staggered.**
- 3. Class sizes are limited to 20 students maximum in the dance and music studio at any one time.**
- 4. All dance and music studio (assembly hall) activities shall be limited to the interior 3,000 square foot tenant space within the building.**
- 5. The interior door separating the dance and music studio from the retail tenant must remain locked unless both businesses are open.**
- 6. All doors and windows shall be closed during hours of operation and the building shall be equipped with air conditioning.**
- 7. Sound dampening materials shall be installed according to plans or similar as approved by the Community Development Director.**
- 8. 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.**
- 9. Management shall be responsible for maintaining noise volumes at reasonable levels.**

- 10. All activities shall be contained on-site. No training is permitted on the sidewalks, parking lots, or in public right-of-way areas.**
- 11. A new secured trash enclosure facility shall be located along the east side of the existing structure, with appropriate signage prohibiting dumping, subject to review and approval of the Community Development Director.**
- 12. All exterior lighting shall be downcast and fully shielded, and illumination shall be contained within the property boundaries. Exterior lighting shall not be deemed finally approved until 30 days after installation, during which period the Building Official may order the dimming or modification of any illumination found to be excessively brilliant or impacting to nearby properties.**
- 13. The non-conforming roof signs must be removed prior to issuance of sign permits for the building and prior to implementing the Conditional Use Permit. Any proposed signage shall require a separate sign permit application and shall conform to the HBMC Section 17.50 for Signs.**
- 14. An Exit sign is required on all exit doors.**
- 15. Fire extinguishers are required every 75 feet of interior travel distance to exits.**
- 16. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.**
- 17. 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.**
- 18. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
- 19. The project and operation of the business shall comply with all applicable requirements of the Hermosa Beach Municipal Code.**
- 20. 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.**
- 21. Exterior and interior water use shall comply with Chapter 8.56.**
- 22. The operation shall comply with all requirements of the Building, Fire and Public Works Departments.**

23. 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).

24. 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 7. 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 8. 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--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 May 19, 2020.

Peter Hoffman, Chair

Ken Robertson, Secretary

May 19, 2020

Date