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**P.C. RESOLUTION 03-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A MASSAGE THERAPY BUSINESS AT 1200 PACIFIC COAST HIGHWAY, SUTE 102**

Section 1. An application was filed by Quincy Chen seeking a Conditional Use Permit to allow a massage therapy business pursuant to Sections 17.26.030, and 17.40.160, and Chapter 5.74 of the Municipal Code.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on April 15, 2003, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The site is zoned C-3 allowing the proposed massage therapy business with a Conditional Use Permit.

2. Standard conditions of a Conditional Use Permit for conducting a massage therapy business are contained in Section 17.40.160 of the Zoning Ordinance,

3. Licensing, application, training and education, facilities requirements, conduct of business and conditions for issuance of a business license are all contained in Chapter 5.74 to regulate the operations of the massage therapy business.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application to amend the Conditional Use Permit:

1. The site is zoned C-3, and the location within a commercial center in along the P.C.H. Commercial Corridor is suitable for the proposed business.

2. The imposition of conditions as contained in this resolution as required by the Municipal Code to address and prevent inappropriate behavior and to require proper hygiene will mitigate any concerns associated with this type of business.

3. This project is Categorically Exempt pursuant to 15301, Class 1 of the California Environmental Quality Act Guidelines alterations to existing facilities.

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

- 1. Interior alterations to the building shall be consistent with the plans reviewed by the Planning Commission at their meeting of April 15, 2003, and revised to clearly indicate a private dressing room, separate cabinets for storage of soiled and sanitary towel and linens, and specifying the types of tables and chairs used in the massage rooms.**

- 1     **2. A licensed Massage Therapist, pursuant to Chapter 5.74 of the Hermosa Beach**  
2     **Municipal Code, shall be on the premises at all times when the business is open. The**  
3     **business may employ technicians or aides only if supervised by a licensed Massage**  
4     **Therapist.**
- 4     **3. Management shall adopt, inform patrons and employees of, and strictly enforce all**  
5     **requirements of the Conditional Use Permit and all regulations as set forth in**  
6     **Chapter 5.74.**
- 6     **4. Hours of operation shall be limited to between 7:00 A.M. and 10:00 P.M.**
- 7     **5. The establishment shall not adversely affect the welfare of the residents, and/or**  
8     **commercial establishments nearby.**
- 9     **6. Any changes to the interior layout that would alter the primary function of the business**  
10    **shall be subject to review and approval by the Planning Commission.**
- 11    **7. The project and operation of the business shall comply with all applicable requirements**  
12    **of the Municipal Code.**

12            Section 6. This grant shall not be effective for any purposes until the permittee and the  
13 owners of the property involved have filed a the office of the Planning Division of the Community  
14 Development Department their affidavits stating that they are aware of, and agree to accept, all of the  
15 conditions of this grant.

15            The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to  
16 the Community Development Department.

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

19            Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and  
20 employees from any claim, action, or proceeding against the City or its agents, officers, or employee  
21 to attack, set aside, void or annul this permit approval, which action is brought within the applicable  
22 time period of the State Government Code. The City shall promptly notify the permittee of any  
23 claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to  
24 promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully  
25 in the defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold harmless  
26 the City.

24            The permittee shall reimburse the City for any court and attorney's fees which the City may  
25 be required to pay as a result of any claim or action brought against the City because of this grant.  
26 Although the permittee is the real party in interest in an action, the City may, at its sole discretion,  
27 participate at its own expense in the defense of the action, but such participation shall not relieve the  
28 permittee of any obligation under this condition.

28            The subject property shall be developed, maintained and operated in full compliance with the  
29 conditions of this grant 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.

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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. 03- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of April 15, 2003.

\_\_\_\_\_  
Peter Hoffman, Chairman

\_\_\_\_\_  
Sol Blumenfeld, Secretary

Date \_\_\_\_\_

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