

RESOLUTION NO. 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT FOR A MUSIC AND PERFORMING ARTS ACADEMY FOR CHILDREN, “KIDS CABARET,” IN THE HERMOSA PAVILION AT 1605 PACIFIC COAST HIGHWAY #285

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Marlene Ramirez to operate a music and performing arts academy school for children in unit No. 285 within the Hermosa Pavilion.

Section 2. The Planning Commission conducted a public hearing to consider the application on February 15, 2005, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission.

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

1. The applicant is proposing improvements to a 2,925 square foot tenant space in order to operate a music and performing arts academy for children aged 4 to 18. The space will also be used occasionally for children’s parties, and to host special performances. Improvements include a stage for performances, bathroom and dressing room facilities, booth seating and an open auditorium area
2. The City’s Zoning Ordinance requires a Conditional Use Permit to operate a music academy, and the performing arts school part of the operation is similar in both use and intensity as a music academy.

Section 4. Based on the foregoing findings, the Planning Commission makes the following findings pertaining to the application for a conditional use permit:

1. The site is zoned S.P.A. 8 and is physically suitable for the type and intensity of the proposed development and the proposed use complies with the development standards contained therein;
2. The project, as conditioned, will conform to all zoning laws and criteria and will be compatible with neighboring residential properties;
3. The project is located in a large commercial building, the Hermosa Pavilioin, which contains a mix of commercial uses, including a health and fitness club, offices, and retail uses and large parking structure, containing sufficient shared parking to satisfy the peak demand of these mix of uses, including the proposed music academy/performing arts school, as demonstrated by the parking analysis submitted by Linscott, Law and Greenspan which

1 evaluates the worst case scenario of the proposed use with respect to parking demand of the
2 proposed use.

3 4. The project is Categorically Exempt from the requirement for an environmental
4 assessment, pursuant to the California Environmental Quality Act Guidelines, Sections 15303(b)
5 and 15315 with the finding that the project is in an area with available services.

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

- 8 **1. The development and continued use of the property shall be in conformance with**
9 **submitted plans, received and reviewed by the Commission at their meeting of**
10 **February 15, 2005.**
- 11 **2. The applicant shall provide valet assisted parking during peak operating times on**
12 **weekday evenings.**
- 13 **3. Occupancy and use of the commercial space shall be limited to uses described in the**
14 **application as a music academy and performing arts school for school age children**
15 **(ages 4 through 18) and occasional private use for special performances and special**
16 **events.**
- 17 **4. If special events or special productions include wine and beer sales, the business**
18 **shall obtain the appropriate license from the State Department of Alcohol Beverage**
19 **Control.**
- 20 **5. The business shall comply with all State laws and licensing requirements involving**
21 **the supervision of children in a classroom and/or camp setting.**
- 22 **6. The operating hours shall be limited to between 8:00 A.M. and 11:00 P.M.**
- 23 **7. There shall be compliance with all requirements of the Building and Safety Division**
24 **of the Community Development Department and Fire Department.**
- 25 **8. The establishment shall not adversely affect the welfare of the residents, and/or**
26 **commercial establishments nearby.**
- 27 **9. The business shall provide adequate staffing, management and supervisory**
28 **techniques to prevent loitering, unruliness, and boisterous activities of the patrons**
29 **outside the business. A minimum of two staff people shall be on the premises to**
manage the use of the facility and to monitor use of nearby hallways and public mall
areas during operating hours.
- 10. Noise emanating from the property shall be within the limitations prescribed by the**
City's noise ordinance and shall not create a nuisance to surrounding residential
neighborhoods, and/or commercial establishments.
- 11. The premises and surrounding hallway and mall areas with the Hermosa Pavilion**
shall be maintained in a neat and clean manner, and maintained free of graffiti at
all times.

1 **12. The applicant shall submit a detailed seating and occupancy plan prepared by a**
2 **licensed design professional, which shall be approved by the Community**
3 **Development Department prior to final occupancy and posting of the occupant load.**

4 **13. Any significant changes to the interior layout, which would alter the primary**
5 **function of the business as a music and performing arts academy, or any changes**
6 **that increase the intensity or type of use of the space shall be subject to review and**
7 **approval by the Planning Commission.**

8 **14. The project and operation of the business shall comply with all applicable**
9 **requirements of the Municipal Code.**

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

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

16 Each of the above conditions is separately enforced, and if one of the conditions of
17 approval is found to be invalid by a court of law, all the other conditions shall remain valid and
18 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
21 employee to attack, set aside, void or annul this permit approval, which action is brought within
22 the applicable time period of the State Government Code. The City shall promptly notify the
23 permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If
24 the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City
25 fails to cooperate fully in the defense, the permittee shall no thereafter be responsible to defend,
26 indemnify, or hold harmless the City.

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

32 The subject property shall be developed, maintained and operated in full compliance with
33 the conditions of this grant and any law, statute, ordinance or other regulation applicable to any
34 development or activity on the subject property. Failure of the permittee to cease any
35 development or activity not in full compliance shall be a violation of these conditions.

1 The Planning Commission may review this Conditional Use Permit, and may amend the
2 subject conditions or impose any new conditions if deemed necessary to mitigate detrimental
3 effects on the neighborhood resulting from the subject use.

4 Section 7. Pursuant to the Code of Civil Procedure Section 1094.6 any legal challenge to
5 the decision of the Planning Commission, after a formal appeal to the City Council, must be
6 made within 90 days after the final decision by the City Council.

7 AYES:
8 NOES:
9 ABSENT:
10 ABSTAIN:

11 **CERTIFICATION**

12 I hereby certify that the foregoing Resolution P.C. 05- is a true and complete record of the
13 action taken by the Planning Commission of the City of Hermosa Beach, California at their
14 regular meeting of February 15, 2005.

15 _____
16 Sam Perrotti, Chairman

17 _____
18 Sol Blumenfeld, Secretary

19 February 15, 2005

20 _____
21 Date

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