CITY OF MONTEBELLO December 18, 2012

TO:

Planning Commission

FROM:

Planning Division

SUBJECT:

Conditional Use Permit 8-12

LOCATION:

1435 North Montebello Boulevard

APPLICANT:

Brain Armijo for Working Women's Fitness

CASE PLANNER:

Lovell Williams, Assistant Planner

2m

STAFF RECOMMENDATION: Acknowledge the Environmental Determination and approve Conditional Use Permit 8-12 with the specific findings and conditions in the Draft Resolution (Attachment 2).

REQUESTED

ENTITLEMENT

Conditional Use Permit – To allow the establishment of a Physical Fitness Studio.

ENVIRONMENTAL

DETERMINATION

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 1, Class 3 §15301 (Existing Facilities). This exemption applies to the leasing of private structures involving negligible or no expansion of an existing use.

SITE CHARACTERISTICS

Site Location and Size

The subject site is located on the north side of Montebello Boulevard between Paramount Boulevard and Liberty Avenue. The subject site is 1,500 square feet in size and is part of a 234,000 square foot commercial shopping and entertainment center (Montebello Town Square) located on a 20 acre parcel.

Zoning

Subject Site:

C-2 PD (General Commercial Planned Development)

North:

Pomona Freeway

South:

R-A (Residential Agricultural)

East:

C-2 (General Commercial)

West:

C-2 PD (General Commercial Planned Development)

Land Use

Subject Site:

Commercial Center

North:

Pomona Freeway
Oil Production

South: East:

Commercial Center

West:

Retail

Previous Entitlements

Planned Development (PD 3-90) - To allow a precise plan of development for the Montebello Town Square Shopping Center. Approved with conditions by the City Council on October 15, 1990.

Application Submitted:

September 12, 2012

Application Deemed Complete:

October 4, 2012

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit to establish a Physical Fitness Studio (Working Women's Fitness) within an existing commercial shopping center (Montebello Town Square) on property located in the C-2- PD (General Commercial, Planned Development) Zoning District.

ANALYSIS

The applicant is proposing to occupy a tenant space totaling 1,500 square feet in size that is part of a 20 acre commercial shopping center (Montebello Town Square). Approximately 1,000 square feet of the tenant space will be used to operate the Physical Fitness Studio. The remaining area will consist of a reception area, storage room, and two restrooms. A Conditional Use Permit is required to establish Physical Fitness Studio in the C-2 (General Commercial) zone.

The Working Women's Fitness facility proposed hours of operation are Monday through Friday from 8:00 a.m. to 9:00 p.m., and closed on weekends. The facility will offer boot camp and boxing classes to adult women between the ages of 18 and up. Larger group classes of up to 20 students will be held from 8:00 a.m. to 10:00 a.m. and 4:30 p.m. to 9:00 p.m. in one hour intervals. The facility will also offer private, one on one, training sessions from 11:00 a.m. to 2:00 p.m. According to the applicant's proposed operations plan, the facility will accommodate a maximum of 20 students at any given time. There will be a maximum of two fitness instructors who are responsible for teaching the fitness classes. The applicant is not proposing any boxing tournament or similar spectator type events on-site.

Conditional Use Permit – Commercial Schools and Studio Use. The purpose of a Conditional Use Permit is to allow the comprehensive review of sensitive uses and to ensure the proper integration of these uses into the community. These uses may only be suitable in specific locations, and only if such land uses are designed or constructed in a particular manner on a site that are consistent with the required findings for a Conditional Use Permit outlined in Section 17.70.070 of the Montebello Municipal Code (MMC). A Conditional Use Permit review allows the opportunity to address any specific issues related to the proposal and to prevent or mitigate any adverse impacts to the surrounding area.

The findings that must be made to approve a Conditional Use Permit request must substantiate that (1) the site is adequate in size and shape for the use, that (2) it has sufficient access to streets and highways, that (3) the proposed use will not adversely affect the area, and that (4) the proposal is consistent with the City's General Plan.

In relating the required findings to the proposal, the 1,500 square foot tenant space within a 20 acre commercial shopping center (Montebello Town Square) is adequate in size and shape to accommodate the proposed use in that the proposed commercial use is compatible with the existing uses on the site and the surrounding commercial area. The proposed Physical Fitness Studio will not create any significant adverse impacts to the surrounding area since off-street parking is sufficient and provided on the subject site. Furthermore, the hours of operation are within hours that will not cause any nuisance or disturbance to surrounding properties as there is no residential area in the immediate vicinity.

Sufficient access is provided to the streets and highways in that the site is located within an existing commercial shopping center in a commercial area of the City that is accessible by the 60 freeway, Paramount Boulevard, and Montebello Boulevard, and is capable of accommodating the proposed use. Since there is no increase in building square footage, there will be no visual impact as a result of this project and it will not adversely affect the surrounding areas. In addition, the proposal is consistent with the Land Use Element policy of the General Plan to allow a commercial development in the City that is sited in an appropriate location according to need.

Off-Street Parking Requirements. According to the Off-Street Parking requirements of the Zoning Code, the proposed use requires one off-street parking space per classroom, plus one space per five students. Based on the proposed operations plan which consists of one classroom and a maximum of 20 students at any given time, a maximum of five parking spaces are required for the proposed use. The applicant has provided staff with a parking plan for the property which shows a total of 1,337 existing off-street parking spaces for the commercial shopping center. After applying the Code required parking ratios, a total of 1,456 off-street parking spaces are required for the entire commercial center with the Physical Fitness Studio included.

However, in the Planned Development approval for the commercial shopping center, specifics of the site plan and conditions of approval take precedence over the zoning regulations where there is any discrepancy. As such, a mixed-use/shared parking analysis was used to determine the off-street parking needed for the development of the commercial shopping center. As a result of the analysis, during the peak parking demand the site was found to have a surplus of 17 off-street parking spaces with the 1,337 parking spaces provided. One of the surplus spaces was used as part of the approval of CUP 1-10 to establish a martial arts studio in the shopping center thus reducing the total surplus to 16 parking spaces. Under the application of the Zoning Code requirements, four off-street parking spaces are allocated for the anticipation of a commercial retail use in this tenant space, and as such, one additional parking space will be required for the proposed Physical Fitness Studio to achieve the required off-street parking requirements. After applying one of the 16 remaining surplus spaces to the proposed Physical Fitness Studio, a surplus of 15 off-street parking spaces still remain during peak parking demand according to the shared parking analysis. A Condition of Approval is recommended to allow a maximum of 20 students at any given time to ensure conditions on the site remain consistent with the standards approved as part of the Planned Development of the shopping center.

DEPARTMENTAL COMMENTS

The proposal was reviewed by several City departments. The Building and Safety Division determined that the proposed physical fitness studio shall comply with all current Building, Plumbing, Mechanical, Electrical Codes and City Ordinances.

As required by the MMC, all the adjacent property owners within a 300-foot radius were notified of this proposal. As of December 13, 2012, staff has not received written letters or phone calls of opposition to this proposal.

RECOMMENDATION

Pending public testimony and Planning Commission input:

- 1. Find that the project as proposed is exempt from environmental review under Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) and approve the Notice of Exemption;
- 2. Approve the Findings in the Draft Resolution; and
- 3. Approve Conditional Use Permit 8-12 subject to the conditions of approval as contained in the Draft Resolution

ATTACHMENTS & EXHIBITS

- 1. Exhibit "A" Site Plan, Floor Plans & Operation Plan
- 2. Draft Resolution (PC 17-12)
- Location Map
- 4. Environmental Document Notice of Exemption

RESOLUTION NO. PC 17-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A COMMERCIAL SCHOOL AND STUDIO.

Case No:

Conditional Use Permit 8-12

Applicant:

Brian Armijo

Location:

1435 North Montebello Boulevard

THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Planning Commission of the City of Montebello does find, determine, and declare as follows:

- 1. That the application was made by Brian Armijo requesting approval to allow the establishment of a Physical Fitness Studio at 1435 North Montebello Boulevard (Subject Site);
- 2. That the Planning Commission conducted a duly noticed public hearing upon said application on December 18, 2012, and, based on evidence presented in the staff report, the Planning Commission's file, each of the members of the Planning Commission being familiar with the subject site, has determined that the findings required for the approval of Conditional Use Permit 8-12 are adequate, and the Conditional Use Permit can be granted subject to the conditions of approval hereinafter set forth.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds that the proposed project complies with the California Environmental Quality Act (CEQA) and hereby adopts the Notice of Exemption for the following reasons:

1. This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 1, Class 1 §15301 (Existing Facilities). This exemption applies to the leasing of private structures involving negligible or no expansion of an existing use.

SECTION 3. That the following findings are hereby adopted as the Findings of the Planning Commission:

- 1. The site for the proposed Physical Fitness Studio is adequate in size and shape in that the use is within a 1,500 square foot tenant space that is part of a 20 acre commercial shopping center. There are no changes to the site and the proposed use is consistent with the Zoning Code and the Planned Development approval for the site. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site.
- 2. The site has sufficient access to streets and highways, and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. Specifically, the site is located on a major commercial corridor that is accessible from the 60 freeway. The proposed use did not require the preparation of a Traffic Study and the traffic generated from the use will not exceed anticipated levels since it is part of a larger commercial project that has been previously approved. Montebello Boulevard, Paramount Boulevard and the 60 Freeway are adequate in width to accommodate the quantity and quality of traffic generated by the use without any significant impacts to the street system.
- 3. The proposed use will not have an adverse effect upon adjacent or abutting properties. The proposed use is located within an existing commercial shopping center along major corridors and is compatible with the surrounding commercial

area. Additionally, the conditions of approval will limit the number of students at the subject site at any given time, days and hours of operation, and prohibit tournaments which will mitigate any adverse impacts to adjacent or abutting properties.

4. The location of the conditional use and the conditions under which it would be operated or maintained will be consistent with the General Plan. It is the policies of the General Plan Land Use Element that the City should contain a variety of types of commercial development, including regional and community shopping facilities, local neighborhood convenience centers, highway oriented development and professional office type areas and that the City should contain ample commercial facilities to meet needs of its residents as well as provide taxable revenue to the City. In this case, the proposed use is located in a commercial center that is compatible with the surrounding commercial area. The applicant is proposing a Physical Fitness Studio adjacent to other commercial uses, and the studio will be able to provide quality services to all residents within the City of Montebello.

SECTION 4. That the Planning Commission approves Conditional Use Permit 8-12 subject to the following conditions of approval:

- The development and utilization of the subject site shall substantially conform to the site plan labeled Planning Commission Exhibit "A" dated December 18, 2012 including the uses as shown, except as provided for herein, and by subsequent revisions found by the Planning Manager to be in substantial compliance with these provisions.
- 2. Development of the site shall be consistent with all of the provisions of the Montebello Municipal Code (MMC) and the specifications of the Planning Division, including but not limited to:
 - a. The Planning Manager, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions may be added.
 - b. The applicant shall adhere to the operations plan approved by the Planning Commission. Any proposed changes to the operation that would intensify the use shall be subject to review by the Planning Commission.
 - c. The hours of operation for the Physical Fitness Studio are Monday through Friday from 8:00 a.m. to 9:00 p.m., and closed on Saturday and Sunday. Any change to the hours of operation shall be subject to a modification to the existing Conditional Use Permit.
 - d. Tournament or spectator type events shall not be permitted at the subject site. Any proposed tournament events shall be subject to a modification to the existing Conditional Use Permit.
 - e. The use shall comply with all applicable provisions of the noise regulations of the City's Municipal Code.
 - f. At any given time, the maximum number of students at the subject site shall not exceed 20 students. Increasing the maximum number of students shall be subject to a modification to the existing Conditional Use Permit.
 - g. The premises shall be kept clean and the operator of the establishment shall insure that no trash or litter originating from the site is deposited outside the tenant space, onto neighboring properties, or onto the public right-of-way.
 - h. The rear door is to be kept secure with panic hardware and alarmed.
 - i. Vehicles dropping off members of the Physical Fitness Studio shall not block parking stalls or obstruct traffic at the subject site.

- j. All signage shall be issued under a separate permit.
- k. It is the responsibility of the property owner to have all graffiti on the site removed within 24 hours of its appearance, or be subject to citation from the City Code Enforcement Division.
- A copy of the approved Resolution shall be incorporated into the plans prior to the submittal for plan check.
- m. All applicable City permits shall be obtained prior to construction and/or demolition.
- n. This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with all of the requirements and conditions from any applicable state and outside agencies.
- 3. The development and utilization of the site shall comply with all the provisions of the all current Building, Plumbing, Mechanical, Electrical Codes and City Ordinances (CBC 2010; NEC 2008; and T-24 2008) as well as additional requirements from the Montebello Building and Safety Division.
 - a. Submittal of T-24 for all new illuminated signs.
 - b. The plans shall note that there is a Methane barrier below the slab that shall be maintained. All plans shall be reviewed and approved by the site Engineer of record.

SECTION 5. FINALLY RESOLVED, that the Secretary be instructed to forward a copy of this Resolution to the applicant for his attention, and that the Secretary shall advise the applicant that this decision, or any part of it, may be appealed to the City Council by the applicant, opponent, or the City Council on its own motion, in the manner specified in Section 17.78.070 of the Montebello Municipal Code.

Victor Cuevas, Chairman

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of Montebello at a regular meeting held on Tuesday, December 18, 2012, and carried by the following vote:

AYES: Commissioners:

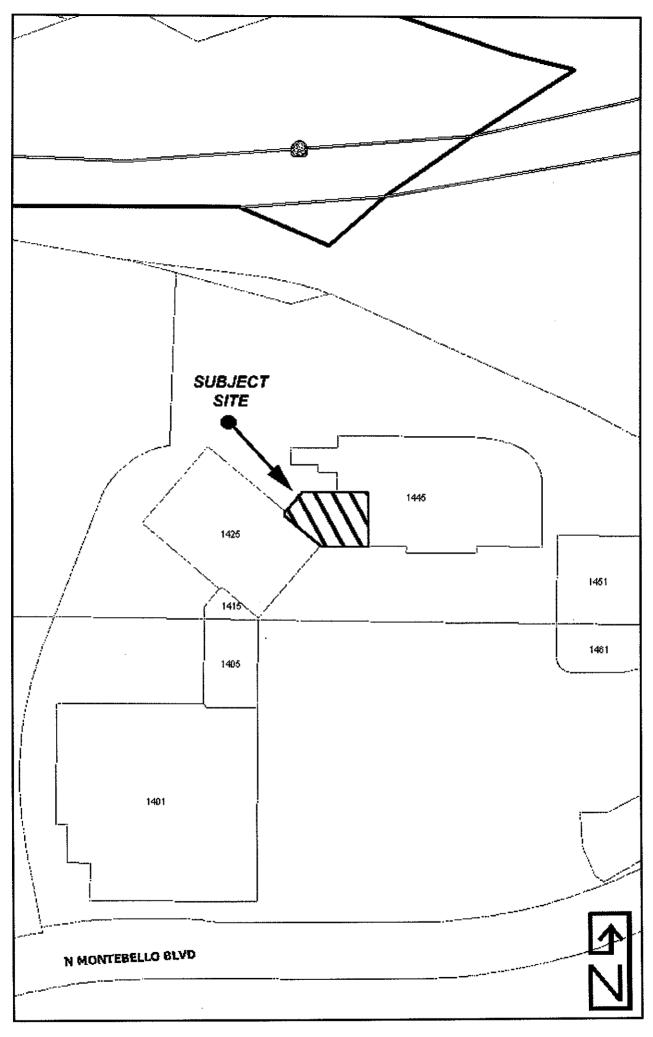
NOES: Commissioners:

ABSENT: Commissioner:

ABSTAIN: Commissioners:

Ariel Socarras, Planning Manager and Secretary to the Planning Commission

CITY OF MONTEBELLO Conditional Use Permit 8-12 1435 North Montebello Boulevard

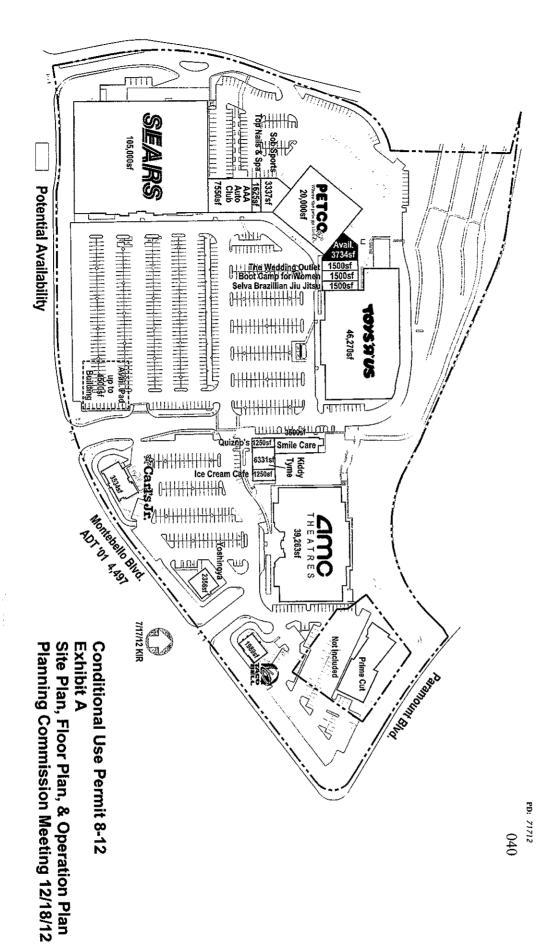


LOCATION MAP

California Environmental Quality Act NOTICE OF EXEMPTION

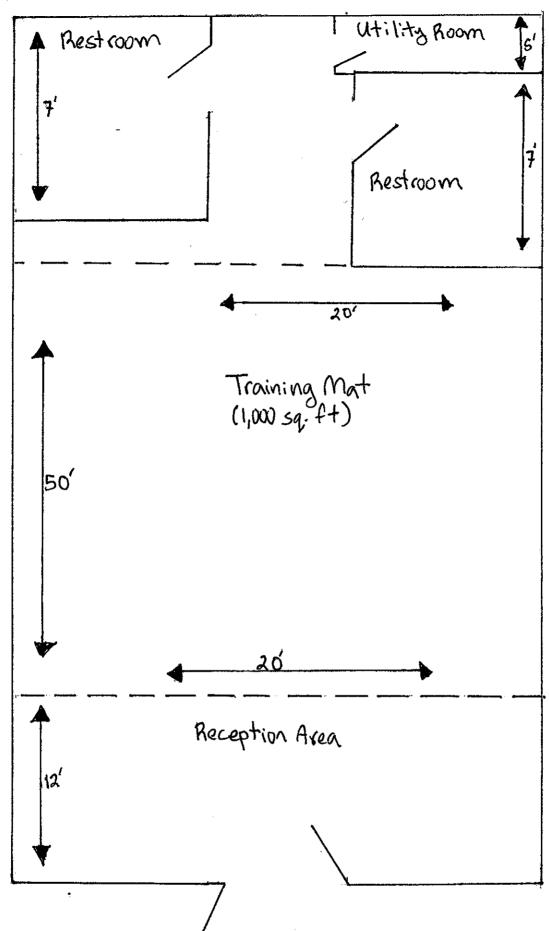
ТО:	Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814	FROM:	City of Montebello 1600 W. Beverly Blvd. Montebello, CA 90640		
X	County Clerk County of Los Angeles				
Project Title					
	Conditional Use Permit 8-12				
Project Loca	ation – Specific	,			
	1435 North Montebello Boulevard				
Project Loca	ation - City	Project L	ocation – County		
Mont	ebello	Los Angeles			
Description	of nature, purpose and beneficiaries o	f project	W. 24		
(Phys	onditional Use Permit to allow the est sical Fitness Studio) located on a col eral Commercial Planned Developmen	mmercial pro	perty within the C-2 PD		
Name of pu	blic agency approving project:				
City	of Montebello				
Name of pe	rson or agency carrying out project:		*		
Jaso	n Selva				
N	tus (check one) linisterial – Section 15268 eclared Emergency – Section 15269(a mergency Project – Section 15269(b) a ategorical Exemption – Class 1, Sectio	and (c)			
Reasons why project is exempt:					
the guideling \$21080(b)(\$ Facilities). negligible o	thas been determined to be exempt forces of the California Environmental (a); Administrative Code, Title 14, Country This exemption applies to the lear no expansion of an existing use. In the ent of a Physical Fitness Studio within property.	Quality Act hapter 3, C asing of pri his case, the	(Public Resources Code lass 1 §15301 (Existing vate structures involving proposal would allow the		
Lovell Willia Contact Per	ams Assistant Planner rson Title		(323) 887-1477 elephone Number		
Determinati	on of Exemption made on:10	/4/2012			
If filed by applicant: 1. Attach certified document of exemption finding. 2. Has a notice of exemption been filed by the public agency approving the project? Yesx No					
		Tuell	Signature		
Date Recei	ved for Filing: 10/4/2012				

Montebello, CA | www.kimcorealty.com/0040



Mina Elliott

Working Women's Fitness Floorplan 1435 N. Montebello Blvd. Montebello, CA 90640



Business Description

Working Women's Fitness is an exercise facility that offers women quality instruction in small group fitness sessions. We will offer Women's Only Bootcamp classes, Women's Only Boxing in addition to private training. We currently have a location inside of Selva Brazilian Jiu Jitsu in Alhambra and service the local community.

We intended to open a facility in the Montebello Town Square at 1435 N. Montebello Bivd., Montebello CA 90640. Our classes will be held in 1 hour intervals in the morning from 8:00am-10:00am and from 4:30pm-9:00pm Monday-Friday and will number 20 women per class, with anywhere from 1-2 instructors per class. In addition we will offer, individual private training sessions during the day time hours of 11am-2pm.

We look forward to providing a new, unique and exciting service to the community.

- AGES 18 JP