

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 19-018

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of negligible or no expansion of an existing structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-018:

1. Conditional Use Permit No. 19-018 to permit an approximately 6,000 sq. ft. personal enrichment use within an existing multi-tenant commercial center will not be detrimental to the general welfare or persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the proposed use is located with other commercial uses. Residential uses are located north and west of the shopping center. However, significant impacts associated with noise, safety, and traffic are not anticipated to negatively affect existing residential uses. The building entrance for the personal enrichment use is oriented south toward the parking lot and Brookhurst Avenue. Buildings, parking lots, walls, or streets separate the proposed use from noise-sensitive uses such as the nearest residential building, which is approximately 124 feet to the west of the subject site. Although the proposed hours of operation are 24-hours daily, the proposed use will be required to conduct instruction and activities entirely within the interior of the building and outdoor activities are prohibited unless otherwise approved by the Community Development Department to ensure the proposed use will not impact the surrounding residential and commercial uses. In conjunction with proposed security measures, conditions are imposed that will further minimize potential safety impacts. The interior remodel of the vacant space will help revitalize the center and the supply of parking will adequately accommodate the proposed and existing uses.
2. Conditional Use Permit No. 19-018 to permit an approximately 6,000 sq. ft. personal enrichment use within an existing multi-tenant commercial center will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (General Commercial) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Goal LU-13: The city provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-13.A: Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

The proposed personal enrichment facility will promote the diversity of land uses by providing for a range of services to accommodate the needs of local residents and serve visitors from the surrounding region. The personal enrichment facility is a commercial use that promotes an active lifestyle and recreational services. It will help revitalize the center by occupying a vacant space on the property. The proposed use will contribute to the economic viability of the shopping center and the responsible growth of the City. The proposed use, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties. Although the proposed hours of operation are 24-hours daily, the proposed use will be required to conduct instruction and activities entirely within the interior of the building. The proposed use is located along a major corridor and will not generate significant impacts to affect surrounding residential uses.

3. Conditional Use Permit No. 19-018 to permit an approximately 6,000 sq. ft. personal enrichment use within an existing multi-tenant commercial center will comply with the provisions of the base district, other applicable provisions in Titles 21-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and any specific condition required for the proposed use in the district in which it would be located because the HBZSO allows for personal enrichment uses over 5,000 sq. ft. in the Commercial General zoning designation with the approval of a conditional use permit. The use will comply with the applicable development standards such as parking.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-018:

1. The site plan and floor plans received and dated July 10, 2019 shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. The number of students shall not exceed thirty (30) at any given time.
 - b. The instruction area shall be limited to a maximum of 75% of the gross floor area or approximately 4,500 sq. ft.
 - c. Rear doors shall remain closed during business hours.
 - d. All instruction and activities shall be conducted entirely within the interior of the building. Outdoor activities shall be prohibited unless otherwise permitted by the Community Development Department.
 - e. The establishment shall employ a video surveillance security system and a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital

recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**

- f. Staff member: At least one when business is open to members. **(PD)**
 - g. Due to the emergency response buttons and lanyards readily accessible to patrons, Anytime Fitness must obtain an Alarm Permit per Huntington Beach Municipal Code Chapter 5.56 and remain in compliance. Because of the unique business model employed by the applicant, Chapter 5.56 HBMC is not an exact fit, so some flexibility is required. Any alarm activation that results in a public safety response that is later determined by the Police or Fire Chief to have been inappropriate, will constitute a “false alarm” for the purposes of Chapter 5.56 HBMC. **(PD)**
- 3. The applicant and/or applicant’s representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
 - 4. CUP No. 19-018 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
 - 5. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator’s action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney’s fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.