



AGENDA

CITY OF HUNTINGTON PARK PLANNING COMMISSION

Regular Meeting
Wednesday, June 20, 2018 at 6:30 p.m.

Huntington Park City Hall
City Council Chambers
6550 Miles Avenue
Huntington Park, California 90255

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the City Clerk's Office either in person at 6550 Miles Avenue, Huntington Park, California or by telephone at (323) 584-6230. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

NOTE: Any person who has a question concerning any agenda item may contact the Community Development Department at (323) 584-6210. Materials related to an item on this agenda are available for inspection in the office of the Community Development Department at 6550 Miles Avenue, Huntington Park, California during the hours of 7:00 a.m. to 5:30 p.m., Monday through Thursday.

Assembly Bill No. 2674 amended several provisions of the Ralph M. Brown Act (Section 54950 et seq. of the Government Code) effective January 1, 1987. This bill prohibits the legislative body from taking any action on any item, which did not appear on the agenda, which was posted 24 hours prior to the Planning Commission meeting. If action is necessary on subject matter, which the public presents, the matter should be presented in writing to the Planning Division for placement on the agenda by Thursday noon prior to the next Planning Commission meeting.

CALL TO ORDER

ROLL CALL

Chair Angelica Montes
Vice Chair Luz Gomez
Commissioner Eduardo Carvajal
Commissioner Irving Pacheco
Commissioner Vacant

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

*For both open and closed session each speaker will be limited to three minutes per Huntington Park Municipal Code Section 2-1.207. Time limits may not be shared with other speakers and may not accumulate from one period of public comment to another or from one meeting to another. **This is the only opportunity for public input except for scheduled public hearing items.***

CONSENT ITEMS

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items prior to the time the Commission votes on the motion unless members of the Commission, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for separate action.

1. Approval of Planning Commission Meeting Minutes:

1-1. Regular Meeting of May 16, 2018

REGULAR AGENDA

PUBLIC HEARING

1. **CASE NO. 2018-05 DP – DEVELOPMENT PERMIT** – A request for a Development Permit to legalize an existing mixed-martial arts studio located at 2934 Florence Avenue, in the Commercial General (CG) zone.

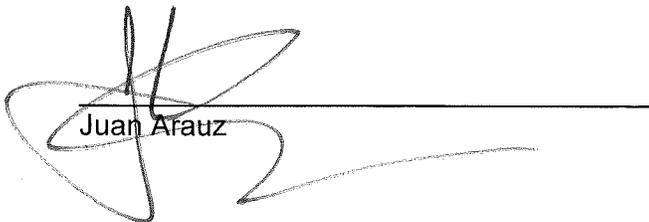
STAFF COMMENTS

PLANNING COMMISSION COMMENTS

ADJOURNMENT

The City of Huntington Park Planning Commission will adjourn to the Regular Meeting on Wednesday, July 18, 2018 at 6:30 p.m.

I, Juan Arauz, hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted at City of Huntington City Hall and made available at www.hpca.gov on the 14th of June 2018.


Juan Arauz



MINUTES

CITY OF HUNTINGTON PARK PLANNING COMMISSION

Regular Meeting
Wednesday, May 16, 2018 at 6:30 p.m.

Huntington Park City Hall
City Council Chambers
6550 Miles Avenue
Huntington Park, California 90255

Sergeant at Arms read the Rules of Decorum before the start of the Planning Commission Meeting.

Chair Angelica Montes called the meeting to order at 6:36 p.m. PRESENT: Commissioner(s): Eduardo Carvajal, Irving Pacheco, (VACANT) and Vice Chair luz Gomez.

STAFF PRESENT: Senior Planner Carlos Luis; Associate Planner Juan Arauz; Attorney Vanessa Ibarra and Recording Secretary/City Clerk Donna Schwartz.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Vice Chair Gomez.

PUBLIC COMMENT – None.

PUBLIC HEARING

- 1. CASE NO. 2018-05 DP – DEVELOPMENT PERMIT** – A request for a Development Permit to legalize an existing health/athletic club located at 2934 Florence Avenue, in the Commercial General (CG) zone.

Senior Planner Carlos Luis announced the item and introduced Associate Planner Juan Arauz who provided a PowerPoint presentation.

Chair Montes announced public comment would be limited to one minute due to the number of speakers.

Chair Montes allowed the applicant to speak before opening up public comment.

Mr. Jorge Duarte, Rocket Fitness and applicant, spoke in support of his request to classify his business as a mixed-martial arts studio so that he is in compliance for a development permit to legalize an existing health/athletic club located at 2934 Florence Avenue.

Chair Montes opened the item up for public comment.

Public Comment

1- 12. Nelson Brand, Amanda Schirmarches, Selina Pacheco, Ivan Landero, Lucina Rangel, Jessica Alcala, Julian Nerio, Clinton Ross, Lucy Casillas, Blanca Beltran, Liz Medina, Angela Pena, and Hector de la Rosa all spoke in support Mr. Jorge Duarte's request and all noting that the parking is not an issue.

Chair Montes closed public comment.

Motion: Commissioner Carvajal motioned to continue and bring back the item to allow additional information, seconded by Vice Chair Gomez. Motion failed due to withdraw of second.

Vice Chair Gomez withdrew her second and suggested to bring back in 6 months.

Substitute Motion: Chair Montes motioned to approve the applicant's request for a Development Permit and approve use as a mixed-martial arts studio with the applicant's use to comply with all applicable Planning development standards, including parking and directed staff to prepare a resolution with recommendations of approval, seconded by Vice Chair Gomez. Motion passed 4-0, by the following vote

ROLL CALL:

AYES: Commissioner(s): Carvajal, Pacheco, Vice Chair Gomez and
Chair Montes
NOES: Commissioner(s): None

Motion: Commissioner Pacheco motioned to continue this item as a public hearing item to June 20th Planning Commission meeting and directed staff to bring back a resolution with recommendations of approval for consideration approving the use, seconded by Commissioner Carvajal. Motioned passed 4-0, by the following vote:

ROLL CALL:

AYES: Commissioner(s): Carvajal, Pacheco, Vice Chair Gomez and
Chair Montes
NOES: Commissioner(s): None

STAFF COMMENTS

Senior Planner Luis thanked the Planning Commission for their work this evening and additional items will be coming this summer.

Associate Planner Arauz, also thanked the Planning Commission.

PLANNING COMMISSION COMMENTS

Commissioner Pacheco, thanked staff for their support, to the community for attending and to his colleagues.

Commissioner Carvajal thanked staff for their support, to the public for attending, congratulated the applicant and thanked his colleagues.

Vice Chair Gomez, thanked staff for their support, thanked the community for attending, acknowledges the support the commission has for new business but that there are rules to follow and boundaries to set.

Chair Montes, thanked staff for their support, thanked the community for attending, in favor of small businesses but wants to make sure all is in order.

ADJOURNMENT

At 8:08 pm. Chair Montes adjourned the City of Huntington Park Planning Commission to a Regular Meeting on Wednesday, June 20, 2018 at 6:30 p.m.

Respectfully Submitted

Donna G. Schwartz, CMC
Recording Secretary/City Clerk



CITY OF HUNTINGTON PARK

PLANNING COMMISSION AGENDA REPORT

DATE: JUNE 20, 2018

TO: CHAIRPERSON AND MEMBERS OF THE PLANNING COMMISSION

ATTENTION: CARLOS LUIS, SENIOR PLANNER

FROM: JUAN ARAUZ, ASSOCIATE PLANNER

SUBJECT: **PLANNING COMMISSION CASE NO. 2018-05 DP
(DEVELOPMENT PERMIT)**

REQUEST: A REQUEST FOR A DEVELOPMENT PERMIT TO LEGALIZE AN EXISTING MIXED-MARTIAL ARTS STUDIO LOCATED AT 2934 FLORENCE AVENUE, WITHIN THE COMMERCIAL GENERAL (CG) ZONE.

APPLICANT: Mr. Jorge Duarte
2934 Florence Avenue
Huntington Park, CA 90255

PROPERTY OWNER: Venice Union Properties, Inc.
5200 Sanford Avenue
Los Angeles, CA 90056

PROJECT LOCATION: 2934 Florence Avenue

**ASSESSOR'S
PARCEL NUMBER:** 6212-002-006, 6212-002-007, 6212-002-008,
6212-002-042, and 6212-002-043

PRESENT USE: Commercial (Mixed-Martial Arts Studio)

PROJECT SIZE: 4,350 sq. ft.

BUILDING SIZE: Building 1: 7,060 sq. ft.
Building 2: 11,700 sq. ft.
Total: 18,760 sq. ft.

SITE SIZE: 6212-002-006: 5,719 sq. ft.
6212-002-007: 5,719 sq. ft.
6212-002-008: 5,868 sq. ft.
6212-002-042: 6,000 sq. ft.
6212-002-043: 6,000 sq. ft.
Total: 29,306 sq. ft.

GENERAL PLAN: Commercial General (CG)

ZONE: CG

**SURROUNDING
LAND USES:** North: Commercial
West: Commercial
South: Residential
East: Commercial

**MUNICIPAL CODE
REQUIREMENTS FOR A
DEVELOPMENT PERMIT:** Pursuant to the Huntington Park Municipal Code (HPMC) Section 9-2.1004 (Review Authority), the change in use or alteration of an existing structure affecting 50% or more of the gross floor area shall be reviewed by the Planning Commission.

**REQUIRED FINDINGS
FOR A DEVELOPMENT
PERMIT:** Following a hearing, the Planning Commission shall record its decision in writing and shall recite the findings upon which the decision is based. The Commission may approve, modify, or deny a Development Permit in whole or in part and shall impose specific development conditions if approved. These conditions shall relate to both on- and off-site improvements that are necessary to accommodate flexibility in site planning/property development, mitigate project-related adverse impacts and to carry out the purpose/intent and requirements of the respective zoning district and General Plan goals and policies. The Planning Commission may approve a Development Permit, only if all of the following findings are made:

1. The proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of this Code, including prescribed development/site standards;

2. The proposed development is consistent with the General Plan;
3. The proposed development would be harmonious and compatible with existing and planned future developments within the zoning district and general area, as well as with the land uses presently on the subject property;
4. The approval of the Development Permit for the proposed project is in compliance with the requirements of the California Environmental Quality Act (CEQA) and the City's Guidelines;
5. The subject site is physically suitable for the type and density/intensity of use being proposed;
6. There are adequate provisions for public access, water, sanitation and public utilities and services to ensure that the proposed development would not be detrimental to public health, safety and general welfare; and
7. The design, location, size and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the City.

**ENVIRONMENTAL
REVIEW:**

Categorically Exempt pursuant to Article 19, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

BACKGROUND:

On March 29, 2018, the Planning Division received a Development Permit application from Mr. Jorge Duarte (Applicant), owner of Rocket Fitness, to legalize an existing mixed-martial arts studio located at 2934 Florence Avenue, in the CG Zone.

Business Operations

In his business plan, the Applicant identified his business as a mixed martial arts studio. The business plan states that the majority of the classes offered at this location consists of self-defense training, including: boxing, karate, Brazilian jiu-jitsu, and mixed-martial arts. The off-street parking

calculation for mixed-martial arts studios is one parking space for every 400 square feet (1/400).

However, the Applicant's business website shows that the following types of classes are offered: boot camp, CrossFit, bodybuilding, Olympic weightlifting, spinning, and calisthenics. As a result of the types of classes emphasized at the subject site, City staff determined the Applicant's business to be more similar to a health/athletic club, or a gym. Therefore, on May 16, 2018, Planning Division staff presented the Applicant's proposal to the Planning Commission to make a final determination on how to classify his business.

Planning Commission Use Determination

On May 16, 2018, the Planning Commission held a public hearing to consider the Applicant's request for a Development Permit and determine how to classify his business. At this meeting, Planning Division staff presented the following three options to the Planning Commission:

1. Classify the Applicant's use as a mixed-martial arts studio. With this determination, the Applicant's use will comply with all applicable Planning development standards, including parking, and the Applicant's request for a Development Permit will be approved.
2. Classify the Applicant's use as a health/athletic club. With this determination, the Applicant's use will not comply with all applicable Planning development standards, including parking, and the Applicant's request for a Development Permit will be denied.
3. The Planning Commission can continue this item to obtain additional information on the Applicant's proposed use.

After deliberation among the Planning Commission, Planning staff, and the Applicant, the Planning Commission determined the Applicant's use is most similar to a mixed-martial arts studio. With this determination, Planning Division staff was directed to bring back a resolution for approval of a Development Permit for the legalization of the Applicant's business.

ANALYSIS:

Development Permit Findings

Per HPMC Section 9-2.1004 (Review Authority), the change in use or alteration of an existing structure affecting 50% or more of the gross floor area shall be reviewed by the Planning Commission. A change in use is defined as a change to a more intensive use, such as a non-assembly use to an assembly use.

The subject site was previously occupied by a hobby store and warehousing, both are non-assembly uses. The Applicant's mixed-martial arts studio is an assembly use that occupies 61.6 percent of total building area. Since the change in use affects more than 50% of the total building gross floor area, Planning Commission review of the Development Permit is required.

In granting a Development Permit, the Planning Commission must make findings as set forth in the HPMC. A Development Permit may be approved only if all of the following findings are made:

- 1. That the proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of this Code, including prescribed development/site standards.**

Finding. The subject zoning district, CG, is intended to provide for general retail, professional office, and service-oriented business activities that serve a community-wide need under design standards that ensure compatibility and harmony with adjoining land uses. Per HPMC Section 9-4.202, (Allowed Land Uses), the proposed mixed-martial arts studio is permitted within the subject zoning district. In addition, the proposed project will not impair the integrity and character of the zoning district as it complies with all of the applicable provisions of the HPMC.

- 2. The proposed development is consistent with the General Plan.**

Finding. The Applicant's proposal is consistent with the General Plan and is a permitted use within the CG zoning district. The land uses for the General Plan and Zoning Map have the same CG designation and thus consistent.

Additionally, the proposed mixed-martial arts studio also fulfills Goal 1 of the General Plan's Land Use Element, which includes providing a mix of land uses which meets the diverse needs of the City. This proposed use will provide a service that is needed in the community, thereby fulfilling Goal 1 of the General Plan.

- 3. The proposed development would be harmonious and compatible with existing and planned future developments within the zoning district and general area, as well as with the land uses presently on the subject property.**

Finding. It is anticipated that the existing and future development of the zoning district continue as commercial, which permits service uses. Additionally, the surrounding properties within the vicinity are presently built for commercial and service uses. The Applicant's proposed mixed-martial arts studio will be compatible with existing surrounding uses, therefore, will not adversely impact the subject site or surrounding area. Finally, the proposed use would not be of greater intensity than the existing surrounding uses.

- 4. The approval of the Development Permit for the proposed project is in compliance with the requirements of the California Environmental Quality Act (CEQA) and the City's Guidelines.**

Finding. The proposed mixed-martial arts studio is Categorically Exempt pursuant to Article 19, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

- 5. The subject site is physically suitable for the type and density/intensity of the use being proposed.**

Finding. The subject site is surrounded by a mixture of service, retail, and office uses. Neighboring properties along Florence Avenue include commercial shopping centers with restaurants, offices, and other service-oriented uses. The proposed development meets all of the minimum development standards as set forth in the HPMC Sections 9-4.202 and 9-4.203. Therefore, the subject site is suitable for the proposed mixed-martial arts studio.

- 6. There are adequate provisions for public access, water, sanitation, public utilities, and services to ensure that the proposed development would not be detrimental to public health, safety and general welfare.**

Finding. Vehicular and pedestrian access to the site is provided through Florence Avenue. The proposed request to establish a mixed-martial arts studio will not significantly intensify public access, water, sanitation, and public utilities or services. Additionally, the proposed use will not require changes to existing public utilities. Given that the surrounding area is already completely developed with public access, water, sanitation, and other public utilities, the proposed project would not affect these infrastructures or require any types of modifications.

- 7. The design, location, size and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the City.**

Finding. The subject site is located along Florence Avenue, which serves as one of the commercial land use corridors of the City. The site is suitable for commercial uses given that the vicinity is zoned commercial and the surrounding land uses are a mixture of retail, service, and offices. Additionally, the subject site was intended to support uses such as the proposed mixed-martial arts studio. The subject site also has sufficient off-street parking for the proposed use. Therefore, it is expected that the proposed development will not be detrimental to the public health, safety, or welfare of the City.

Conclusion

Based on the above analysis, Planning Division staff has determined that all the required findings for approval of a Development Permit can be made. Therefore, staff recommends the approval of the Applicant's request to establish a mixed-martial arts studio, subject to conditions, at 2934 Florence Avenue.

RECOMMENDATION: Based on the evidence presented, it is the recommendation of Planning Division staff that the Planning Commission adopt the Categorical Exemption, make the required findings and requirements set forth in the Huntington Park Municipal Code, and **adopt PC Resolution No. 2018-05 DP**, subject to the following proposed conditions of approval and/or other conditions that the Planning Commission may wish to impose.

PLANNING

1. That the property owner and Applicant shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, its officers, employees and agents from all claims, actions, or proceedings against the City to attack, set aside, void, annul, or seek damages arising out of an approval of the City, or any agency or commission thereof, concerning this project. City shall promptly notify both the property owner and Applicant of any claim, action, or proceeding to which this condition is applicable. The City shall cooperate in the defense of the action, while reserving its right to act as it deems to be in the best interest of the City and the public. The property owner and Applicant shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study, or for supplementing or revising any document, including, without limitation, environmental documents. If the City's legal counsel is required to enforce any condition of approval, the Applicant shall pay for all costs of enforcement, including legal fees.
2. Except as set forth in subsequent conditions, all-inclusive, and subject to department corrections and conditions, the property shall be developed substantially in accordance with the applications, environmental assessment, and plans submitted.
3. That the proposed use shall comply with all applicable City, County, State and Federal codes, laws, rules, and regulations, including Health, Building and Safety, Fire, Sign, Zoning, and Business License.
4. That the use be conducted, and the property be maintained, in a clean, neat, quiet, and orderly manner at all times and comply with the property maintenance standards as set forth in Section 9-3.103.18 and Title 8, Chapter 9 of the Huntington Park Municipal Code.
5. The business shall be operated consistent with the Business Description and Operations dated February 26, 2018.
6. That the business be operated in compliance with the City of Huntington Park Noise Ordinance.
7. There shall be no outdoor exercise activities.

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PC Case No. 2018-05 DP, 2934 Florence Avenue

June 20, 2018

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8. That any existing and/or future graffiti, as defined by Huntington Park Municipal Code Section 5-27.02(d), shall be diligently removed within a reasonable time period.
9. That the operator shall obtain its City of Huntington Park Business License prior to commencing business operations.
10. No outside storage shall be permitted.
11. All proposed signage shall be reviewed and approved by the Planning Division under a separate permit. All proposed signage shall comply with the requirements of the Huntington Park Municipal Code and/or Master Sign Program of the subject site.
12. That this entitlement shall be subject to review for compliance with conditions of the issuance at such intervals as the City Planning Commission shall deem appropriate.
13. That the violation of any of the conditions of this entitlement may result in a citation(s) and/or the revocation of the entitlement.
14. That this entitlement may be subject to additional conditions after its original issuance. Such conditions shall be imposed by the City Planning Commission as deemed appropriate to address problems of land use compatibility, operations, aesthetics, security, noise, safety, crime control, or to promote the general welfare of the City.
15. That this entitlement shall expire in the event it is not exercised within one (1) year from the date of approval, unless an extension has been granted by the Planning Commission.
16. That if the use ceases to operate for a period of six (6) months, the entitlement shall be null and void.
17. That should the operation of this establishment be granted, deemed, conveyed, transferred, or should a change in management or proprietorship occur at any time, this Development Permit shall be reviewed.
18. The Director of Community Development is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results, as would strict compliance with said plans and conditions.
19. That the applicant and property owner agree in writing to the above conditions.

BUILDING AND SAFETY

20. ADA two vehicle stalls comply.
21. Second floor residential unit requires emergency escape and rescue openings per Section R310 of the California Residential Code.

CODE ENFORCEMENT

- 22. Trash enclosures shall be secured at all times.
- 23. Property shall be free and clear of graffiti at all times.
- 24. Anti-graffiti window film shall be installed at store-front windows
- 25. All exterior signage needs to be approved by the Planning Division.
- 26. Graffiti art style on the west wall requires Planning Division review and approval.
- 27. All chipped and peeled paint on the façade shall be repaired.

EXHIBITS:

- A. Planning Commission Resolution
- B. May 16, 2018 Planning Commission Staff Report (without attachments)

**PLANNING COMMISSION
RESOLUTION NO. 2018-05 DP**

EXHIBIT A

CASE NO. 2018-05 DP

1 **SECTION 1:** Based on the evidence in the Environmental Assessment
2 Questionnaire, the Planning Commission adopts the findings in said Questionnaire and
3 determines that the project, as proposed, will have no significant adverse effect on the
4 environment and adopts an Environmental Categorical Exemption (CEQA Guidelines,
5 Section 15301, Existing Facilities.

6 **SECTION 2:** The Planning Commission hereby finds that all of the following required
7 findings can be made for a Development Permit in connection with Case No. 2018-05:

- 8 1. **That the proposed development is one permitted within the subject zoning**
9 **district and complies with all of the applicable provisions of this Code,**
10 **including prescribed development/site standards.**

11 **Finding:** The subject zoning district, CG, is intended to provide for general retail,
12 professional office, and service-oriented business activities serving a community-
13 wide need under design standards that ensure compatibility and harmony with
14 adjoining land uses. Per HPMC Section 9-4.202, (Allowed Land Uses), the
15 proposed mixed-martial arts studio is permitted within the subject zoning district. In
16 addition, the proposed project will not impair the integrity and character of the
17 zoning district as it complies with all of the applicable provisions of the HPMC.

- 18 2. **The proposed use is consistent with the General Plan.**

19 **Finding:** The Applicant's proposal is consistent with the General Plan and is a
20 permitted use within the CG zoning district. The land uses for the General Plan and
21 Zoning Map have the same CG designation and thus consistent. Additionally, the
22 proposed mixed-martial arts studio also fulfills Goal 1 of the General Plan's Land
23 Use Element, which includes providing a mix of land uses which meets the diverse
24 needs of the City. This proposed use will provide a service that is needed in the
25 community, thereby fulfilling Goal 1 of the General Plan.

- 26 3. **The proposed development would be harmonious and compatible with**
27 **existing and planned future developments within the zoning district and**
28 **general area, as well as with the land uses presently on the subject property.**

1 **Finding:** It is anticipated that the existing and future development of the zoning
2 district continue as commercial, which permits service uses. Additionally, the
3 surrounding properties within the vicinity are presently built for commercial and
4 service uses. The Applicant's proposed mixed-martial arts studio will be compatible
5 with existing surrounding uses, therefore, will not adversely impact the subject site
6 or surrounding area. Finally, the proposed use would not be of greater intensity
7 than the existing surrounding uses.

8 **4. The approval of the Development Permit for the proposed project is in**
9 **compliance with the requirements of the California Environmental Quality Act**
10 **(CEQA) and the City's Guidelines.**

11 **Finding:** The proposed mixed-martial arts studio is Categorical Exempt pursuant
12 to Article 19, Section 15301 (Existing Facilities) of the California Environmental
13 Quality Act (CEQA) Guidelines.

14 **5. The subject site is physically suitable for the type and density/intensity of the**
15 **use being proposed.**

16 **Finding:** The subject site is surrounded by a mixture of service, retail, and office
17 uses. Neighboring properties along Florence Avenue include commercial shopping
18 centers with restaurants, offices, and other service-oriented uses. The proposed
19 development meets all of the minimum development standards as set forth in the
20 HPMC Sections 9-4.202 and 9-4.203. Therefore, the subject site is suitable for the
21 proposed mixed-martial arts studio.

22 **6. There are adequate provisions for public access, water, sanitation, public**
23 **utilities, and services to ensure that the proposed use would not be**
24 **detrimental to public health, safety and general welfare.**

25 **Finding:** Vehicular and pedestrian access to the site is provided through Florence
26 Avenue. The proposed request to establish a mixed-martial arts studio will not
27 significantly intensify public access, water, sanitation, and public utilities or services.
28 Additionally, the project will not require changes to existing public utilities. Given

1 that the surrounding area is already completely developed with public access,
2 water, sanitation, and other public utilities, the proposed project would not affect
3 these infrastructures or require any types of modifications.

4 **7. The design, location, size and operating characteristics of the proposed**
5 **development would not be detrimental to the public health, safety, or welfare**
6 **of the City.**

7 **Finding:** The subject site is located along Florence Avenue, which serves as one of
8 the commercial land use corridors of the City. The site is suitable for commercial
9 uses given that the vicinity is zoned commercial and the surrounding land uses are
10 a mixture of retail, service, and offices. Additionally, the subject site was intended
11 to support uses such as the proposed mixed-martial arts studio. The subject site
12 also has sufficient off-street parking for the proposed use. Therefore, it is expected
13 that the proposed development will not be detrimental to the public health, safety, or
14 welfare of the City.

15 **SECTION 3:** The Planning Commission hereby approves Case No. 2018-05 DP,
16 subject to the execution and fulfillment of the following conditions:

17 **PLANNING**

- 18 1. That the property owner and Applicant shall indemnify, protect, hold harmless and
19 defend the City and any agency or instrumentality thereof, its officers, employees and
20 agents from all claims, actions, or proceedings against the City to attack, set aside, void,
21 annul, or seek damages arising out of an approval of the City, or any agency or
22 commission thereof, concerning this project. City shall promptly notify both the property
23 owner and Applicant of any claim, action, or proceeding to which this condition is
24 applicable. The City shall cooperate in the defense of the action, while reserving its right
25 to act as it deems to be in the best interest of the City and the public. The property owner
26 and Applicant shall defend, indemnify and hold harmless the City for all costs and fees
27 incurred in additional investigation or study, or for supplementing or revising any
28 document, including, without limitation, environmental documents. If the City's legal
counsel is required to enforce any condition of approval, the Applicant shall pay for all
costs of enforcement, including legal fees.
2. Except as set forth in subsequent conditions, all-inclusive, and subject to department
corrections and conditions, the property shall be developed substantially in accordance
with the applications, environmental assessment, and plans submitted.

- 1 3. That the proposed use shall comply with all applicable City, County, State and Federal
2 codes, laws, rules, and regulations, including Health, Building and Safety, Fire, Sign,
3 Zoning, and Business License.
- 4 4. That the use be conducted, and the property be maintained, in a clean, neat, quiet, and
5 orderly manner at all times and comply with the property maintenance standards as set
6 forth in Section 9-3.103.18 and Title 8, Chapter 9 of the Huntington Park Municipal Code.
- 7 5. The business shall be operated consistent with the Business Description and Operations
8 dated February 26, 2018.
- 9 6. That the business be operated in compliance with the City of Huntington Park Noise
10 Ordinance.
- 11 7. There shall be no outdoor exercise activities.
- 12 8. That any existing and/or future graffiti, as defined by Huntington Park Municipal Code
13 Section 5-27.02(d), shall be diligently removed within a reasonable time period.
- 14 9. That the operator shall obtain its City of Huntington Park Business License prior to
15 commencing business operations.
- 16 10. No outside storage shall be permitted.
- 17 11. All proposed signage shall be reviewed and approved by the Planning Division under a
18 separate permit. All proposed signage shall comply with the requirements of the
19 Huntington Park Municipal Code and/or Master Sign Program of the subject site.
- 20 12. That this entitlement shall be subject to review for compliance with conditions of the
21 issuance at such intervals as the City Planning Commission shall deem appropriate.
- 22 13. That the violation of any of the conditions of this entitlement may result in a citation(s)
23 and/or the revocation of the entitlement.
- 24 14. That this entitlement may be subject to additional conditions after its original issuance.
25 Such conditions shall be imposed by the City Planning Commission as deemed
26 appropriate to address problems of land use compatibility, operations, aesthetics,
27 security, noise, safety, crime control, or to promote the general welfare of the City.
- 28 15. That this entitlement shall expire in the event it is not exercised within one (1) year from
the date of approval, unless an extension has been granted by the Planning
Commission.
16. That if the use ceases to operate for a period of six (6) months, the entitlement shall be
null and void.

- 1 17. That should the operation of this establishment be granted, deemed, conveyed,
2 transferred, or should a change in management or proprietorship occur at any time, this
3 Development Permit shall be reviewed.
- 4 18. The Director of Community Development is authorized to make minor modifications to
5 the approved preliminary plans or any of the conditions if such modifications shall
6 achieve substantially the same results, as would strict compliance with said plans and
7 conditions.
- 8 19. That the applicant and property owner agree in writing to the above conditions.

7 BUILDING AND SAFETY

- 8 20. ADA two vehicle stalls comply.
- 9
- 10 21. Second floor residential unit requires emergency escape and rescue openings per
11 Section R310 of the California Residential Code.

11 CODE ENFORCEMENT

- 12 22. Trash enclosures shall be secured at all times.
- 13
- 14 23. Property shall be free and clear of graffiti at all times.
- 15 24. Anti-graffiti window film shall be installed at store-front windows
- 16 25. All exterior signage needs to be approved by the Planning Division.
- 17 26. Graffiti art style on the west wall requires Planning Division review and approval.
- 18 27. All chipped and peeled paint on the façade shall be repaired.

19 **SECTION 4:** This resolution shall not become effective until 15 days after the date
20 of decision rendered by the Planning Commission, unless within that period of time it is
21 appealed to the City Council. The decision of the Planning Commission shall be stayed
22 until final determination of the appeal has been effected by the City Council.

23 **SECTION 5:** The Secretary of the Planning Commission shall certify to the adoption
24 of this resolution and a copy thereof shall be filed with the City Clerk.

25 /
26 /
27 /
28 /

1 **PASSED, APPROVED, AND ADOPTED** this 20th day of June 2018, by the following

2 vote:

3 AYES:

4 NOES:

5 ABSTAIN:

6 ABSENT:

7 HUNTINGTON PARK PLANNING COMMISSION

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Angelica Montes, Chair

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13 ATTEST:

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17 Carlos Luis, Secretary

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**MAY 16, 2018 PLANNING COMMISSION
STAFF REPORT (WITHOUT ATTACHMENTS)**

EXHIBIT B

CASE NO. 2018-05 DP



CITY OF HUNTINGTON PARK

PLANNING COMMISSION AGENDA REPORT

DATE: MAY 16, 2018

TO: CHAIRPERSON AND MEMBERS OF THE PLANNING COMMISSION

ATTENTION: CARLOS LUIS, SENIOR PLANNER

FROM: JUAN ARAUZ, ASSOCIATE PLANNER

SUBJECT: **PLANNING COMMISSION CASE NO. 2018-05 DP
(DEVELOPMENT PERMIT)**

REQUEST: A REQUEST FOR A DEVELOPMENT PERMIT TO LEGALIZE AN EXISTING HEALTH/ATHLETIC CLUB LOCATED AT 2934 FLORENCE AVENUE, WITHIN THE COMMERCIAL GENERAL (CG) ZONE.

APPLICANT: Mr. Jorge Duarte
2934 Florence Avenue
Huntington Park, CA 90255

PROPERTY OWNER: Venice Union Properties, Inc.
5200 Sanford Avenue
Los Angeles, CA 90056

PROJECT LOCATION: 2934 Florence Avenue

**ASSESSOR'S
PARCEL NUMBER:** 6212-002-006, 6212-002-007, 6212-002-008,
6212-002-042, and 6212-002-043

PRESENT USE: Commercial (Health/Athletic Club)

PROJECT SIZE: 4,350 sq. ft.

BUILDING SIZE: Building 1: 7,060 sq. ft.
Building 2: 11,700 sq. ft.
Total: 18,760 sq. ft.

SITE SIZE: 6212-002-006: 5,719 sq. ft.
6212-002-007: 5,719 sq. ft.
6212-002-008: 5,868 sq. ft.
6212-002-042: 6,000 sq. ft.
6212-002-043: 6,000 sq. ft.
Total: 29,306 sq. ft.

GENERAL PLAN: Commercial General (CG)

ZONE: CG

SURROUNDING LAND USES: North: Commercial
West: Commercial
South: Residential
East: Commercial

MUNICIPAL CODE REQUIREMENTS FOR A DEVELOPMENT PERMIT: Pursuant to the Huntington Park Municipal Code (HPMC) Section 9-2.1004 (Review Authority), the expansion or conversion of an existing structure or use affecting 50% or more of the gross floor area shall be reviewed by the Planning Commission.

REQUIRED FINDINGS FOR A DEVELOPMENT PERMIT: Following a hearing, the Planning Commission shall record its decision in writing and shall recite the findings upon which the decision is based. The Commission may approve, modify, or deny a Development Permit in whole or in part and shall impose specific development conditions if approved. These conditions shall relate to both on- and off-site improvements that are necessary to accommodate flexibility in site planning/property development, mitigate project-related adverse impacts and to carry out the purpose/intent and requirements of the respective zoning district and General Plan goals and policies. The Planning Commission may approve a Development Permit, only if all of the following findings are made:

1. The proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of this Code, including prescribed development/site standards;

2. The proposed development is consistent with the General Plan;
3. The proposed development would be harmonious and compatible with existing and planned future developments within the zoning district and general area, as well as with the land uses presently on the subject property;
4. The approval of the Development Permit for the proposed project is in compliance with the requirements of the California Environmental Quality Act (CEQA) and the City's Guidelines;
5. The subject site is physically suitable for the type and density/intensity of use being proposed;
6. There are adequate provisions for public access, water, sanitation and public utilities and services to ensure that the proposed development would not be detrimental to public health, safety and general welfare; and
7. The design, location, size and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the City.

**ENVIRONMENTAL
REVIEW:**

Categorically Exempt pursuant to Article 19, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

BACKGROUND:

Mr. Jorge Duarte (Applicant), owner of Rocket Fitness, is requesting a Development Permit to legalize an existing health/athletic club located at 2934 Florence Avenue, in the CG Zone.

Site Description

The subject site, Assessor Parcel Number 6212-002-006, is located on the south side of Florence Avenue, at the intersection of Passaic Street and Florence Avenue. It is bordered by commercial uses to the north, east, and west, and residential uses to the south. The subject site has a lot size of 5,719 square feet and is developed with a 7,060

square foot multi-tenant two-story building. The Applicant’s tenant space is comprised of a street-facing commercial tenant space measuring 890 square feet, and a connecting warehouse space measuring 3,460 square feet, for a total tenant space of 4,350 square feet.

The subject parcel is part of a larger commercial site comprised of five total parcels that includes an 11,700 square foot multi-tenant two-story commercial building and a shared driveway and parking lot. All parcels are under the ownership of Venice Union Properties, Inc.

A site analysis is below.

SITE ANALYSIS

Parcel Number	Description	Building Size	Lot Size
6212-002-006	Subject Site / Commercial Building	7,060 S.F.	5,719 S.F.
6212-002-007	Driveway	-	5,719 S.F.
6212-002-008	Commercial Building	11,700 S.F.	5,868 S.F.
6212-002-042	Parking Lot	-	6,000 S.F.
6212-002-043	Parking Lot	-	6,000 S.F.
TOTAL		18,760 S.F.	29,306 S.F.

Development Permit

The Applicant is requesting a Development Permit to legalize his existing health/athletic club, Rocket Fitness. Pursuant to HPMC Section 9-2.1004, any proposed intensification of a conversion or change in use of an existing structure affecting 50% or more of the gross floor area requires Planning Commission approval of a Development Permit. The Applicant’s proposed use of 4,350 square feet from a 7,060 square foot building is 61.6 percent of the total building area.

Additionally, the HPMC defines a more intensive change in use to include a nonassembly use to an assembly use. The area of the proposed health/athletic club has previously been used for retail and warehousing. Since the change in use affects more than 50% of the total building gross floor area, Planning Commission review of the Development Permit is required.

Business Operations

According to the Applicant’s business plan, Rocket Fitness is a mixed martial arts studio specializing in self-defense and training for professional and amateur athletes. Classes offered at this location include: strength and conditioning, CrossFit, Brazilian Ju-Jitsu, boxing, and karate. The business hours of operation, as described on the Applicant’s business plan (attached), are shown below.

HOURS OF OPERATION (PER BUSINESS PLAN)

Monday thru Friday	6:00am to 7:00am 8:30am to 10:00am 5:00pm to 9:00pm
Saturday	9:00am to 12:00pm
Sunday	Closed

Floor Plan

The existing street-facing tenant space and rear storage areas are primarily open spaces totaling 4,350 square feet. The subject tenant space has two restrooms. The Applicant proposes only cosmetic improvements (i.e. paint, lighting, flooring, etc.) and the installation of non-fixed workout equipment including: weights, benches, floor mats, pull-up bars, and a prefabricated sauna.

Use Determination and Off-Street Parking

According to the business plan, the Applicant has identified the proposed use as a mixed martial arts studio. The Applicant claims that the majority of the classes offered at

his location consists of self-defense training, including: boxing, karate, Brazilian jiu-jitsu, and mixed-martial arts. The off-street parking calculation for mixed-martial arts studios is one parking space for every 400 square feet (1/400).

Health/athletic clubs require more off-street parking than mixed-martial arts studios. The off-street parking calculation for health/athletic clubs is one parking space for every 150 square feet (1/150). Uses such as gyms, Zumba, CrossFit, and other similar uses fall under the health/athletic classification.

Business License Enforcement History

In August 2015, the City's Business License Enforcement Division issued the Applicant a warning for operating a gym without a City business license. Thereafter, the Applicant inquired with the Planning Division on how to obtain a business license. The Applicant was provided two options based on the proposed size of his gym.

▶ Option 1, Administrative Review

The Applicant was given the option to operate his proposed gym from an 880 square foot tenant space. This option would have allowed Planning Division staff to approve his business license administratively. However, the Applicant declined this option stating that the 880 tenant space was too small for his gym.

▶ Option 2, Planning Commission Review

The Applicant was informed that in order to operate a 4,350 square foot gym, Planning Commission approval of a Development Permit was required. The Applicant decided to pursue this option.

On February 25, 2016, the City's Business License Enforcement Division issued the Applicant a Notice of Violation for continuing to operate his gym without a City business license.

On August 22, 2016, the Applicant submitted an incomplete preliminary Development Permit Application packet to the City's Planning Division for the legalization of his health/athletic club. On September 21, 2016, Planning Division staff met with the Applicant to provide a list of corrections on his submittal. A revised set of plans and application were never re-submitted to the Planning Division.

On July 3, 2017, the City's Business License Enforcement Division issued the Applicant a citation for continuing to operate his gym without a City business license. Thereafter, the Applicant requested a meeting with the Community Development Director to discuss the Development Permit application process.

On August 16, 2017, Sergio Infanzon, Community Development Director, and Juan Arauz, Associate Planner, met with the Applicant to discuss the Development Permit application process and answer his questions.

On August 22, 2017, at the Applicant's request, Community Development Department staff conducted a courtesy site inspection to further assist with the Applicant's application and plan submittal.

On March 14, 2018, the Community Development Department issued the Applicant a letter informing him that if a complete Development Permit application was not submitted by March 29, 2018, his preliminary application would be withdrawn and his case would be referred to the City's Business License Enforcement Division for further action.

On March 29, 2018, the Applicant submitted a complete Development Permit application.

ANALYSIS:

Business Operation

According to the Applicant's business plan, Rocket Fitness is a mixed martial arts studio specializing in self-defense and training for professional and amateur athletes. However, the Applicant's business website shows that the following types of classes are offered: boot camp, CrossFit, bodybuilding, Olympic weightlifting, spinning, and calisthenics.

As a result of the types of classes emphasized at the subject site, City staff has determined that the Applicant's business is a health/athletic club, or a gym. All correspondences to and from the Applicant (i.e. notices of violations, letters, preliminary Planning review) have referenced the Applicant's business as a health/athletic club or a gym.

Additionally, Planning has gathered and attached images of the Applicant's business through his website, and has found that the majority of the activities consist of personal training and fitness. Attached below is a schedule of classes and hours of operation found on the Applicant's business website.

HOURS OF OPERATION (BUSINESS WEBSITE)

ROCKET	FITNESS						
	Strongman	Crossfit	Abxolute	45 - Impact	Olympic Weightlifting	Callisthenics	Spinning
ALL CLASSES ARE 45 MINUTES TO AN HOUR LONG							
TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
5:00 AM							
6:00 AM	Crossfit/ Abxolute		Crossfit/ Abxolute	Crossfit/ Abxolute	Crossfit/ Abxolute		
8:00 AM							
9:00 AM	Abxolute / Open gym	Abxolute / Open gym	Abxolute / Open gym	Abxolute / Open gym	Abxolute / Open gym	Spinning	Outdoor Training
10:00 AM							
11:00 AM							
12:00 PM							
1:30 PM	Crossfit / compete	Crossfit / compete	Crossfit / compete	Crossfit / compete	Crossfit / compete		
5:00 PM	Abxolute	Abxolute / TNT	Abxolute	Abxolute	Abxolute		
6:00 PM	X - Factor		X - Factor		X - Factor		
6:45 PM	Crossfit / Abxolute	Abxolute / TNT	Crossfit / Abxolute	Crossfit / Abxolute	Crossfit / Abxolute		
7:30 PM	Crossfit / 45 Impact / olympic weightlifting	Abxolute / TNT	Crossfit / 45 Impact / Spinning	Crossfit / Abxolute / Strongman	Crossfit / Abxolute / Callisthenics		
8:15 PM	Crossfit / Abxolute	Abxolute / TNT	Crossfit / Abxolute	Crossfit / Abxolute	Crossfit / Abxolute		

Floor Plan

The Applicant’s floor plan/layout consists of open space with non-fixed workout and training equipment and includes: weights, benches, floor mats, pull-up bars, and a prefabricated sauna. The Applicant proposes to conduct exercise related activities, including personal training and group workout sessions.

Use Determination and Off-Street Parking

► **Mixed-Martial Arts Studio**

Per the HPMC Section 9-3.804, the off-street parking requirement for a mixed-martial arts studio is one space for every 400 square feet. Therefore, with a tenant space of 4,350 square feet, the Applicant’s proposed martial arts studio requires a total of 11 parking spaces. A parking analysis for the subject site, including all on-site uses, is shown below.

OFF-STREET PARKING CALCULATION (MARTIAL ARTS STUDIO)		
USE/RATIO	CALCULATION	SPACES REQ.
Proposed Martial Arts Studio	4,350 sf / 400 sf	10.9
Office/Retail	8,020 sf / 400 sf	20.1
Beauty Salon	1,018 sf / 600 sf	1.7
Warehouse	3,680 sf / 800 sf	4.6
Residential Unit	2 per unit	2
Total Required: 40 Standard + 2 Loading = 42		
Parking Provided: 44 Standard + 0 Loading = 44		

Using the martial arts studio parking assessment, there is a parking surplus of two parking spaces for the Applicant’s proposed use at the subject site.

► Health/Athletic Clubs

Per the HPMC Section 9-3.804, the off-street parking requirement for health/athletic clubs is one space for every 150 square feet. Therefore, with a tenant space of 4,350 square feet, the Applicant’s proposed health/athletic club requires a total of 29 parking spaces. A parking analysis using the health/athletic club assessment, including all on-site uses, is shown below.

OFF-STREET PARKING CALCULATION (ATHLETIC CLUB)		
USE/RATIO	CALCULATION	SPACES REQ.
Proposed Health/Athletic Club (gym)	4,350 sf / 150 sf	29
Office/Retail	8,020 sf / 400 sf	20.1
Beauty Salon	1,018 sf / 600 sf	1.7
Warehouse	3,680 sf / 800 sf	4.6
Residential Unit	2 per unit	2
Total Required: 58 Standard Parking + 2 Loading = 60		
Parking Provided: 44 Standard + 0 Loading = 44		

Using the health/athletic club parking assessment, there is a parking deficiency of 16 parking spaces for the Applicant’s proposed use at the subject site. Therefore, to comply with the City’s off-street parking requirement, the Applicant has requested his business be deemed a mixed martial arts studio. However, as previously stated, the Planning Division has determined the Applicant’s use to be a health/athletic club, not a mixed-martial arts studio. This determination is based on the Applicant’s business website emphasizing the following types of classes: boot camp, bodybuilding, CrossFit, Olympic weightlifting, spinning, and calisthenics.

As a result of the types of classes emphasized at the subject site, City staff has determined that the Applicant’s business is a health/athletic club, or a gym.

Planning Commission Use Determination

Planning Commission has the discretion to classify the Applicant's business as either a mixed-martial arts studio or an athletic/health club. If the Planning Commission determines that the Applicant's business is a mixed-martial arts studio, then the Applicant's business will comply with the City's parking standards. However, if the Planning Commission determines that the Applicant's business is a health/athletic club, then the Applicant's business will not comply with the City's parking standards.

Conditions of Approval

If the Applicant's project is approved, Planning Division Staff recommends the following departmental conditions of approval. The Planning Commission may also incorporate additional conditions as deemed necessary.

Comments from other Departments/Agencies

Planning Division Staff routed the Applicant's application to various departments for comments and conditions. Planning Staff received comments and recommended conditions from the Huntington Park Building and Safety Division and Code Enforcement Division.

► *Building and Safety Division*

1. ADA two vehicle stalls comply.
2. Second floor residential unit requires emergency escape and rescue openings per Section R310 of the California Residential Code.

► *Code Enforcement Division*

1. Trash enclosures shall be secured at all times.
2. Property shall be free and clear of graffiti at all times.
3. Anti-graffiti window film shall be installed at store-front windows.

4. All exterior signage needs to be approved by the Planning Division.
5. Graffiti art style on the west wall required Planning Division review and approval.
6. All chipped and peeled paint on the façade shall be repaired.

Development Permit Findings

In granting a Development Permit, the Planning Commission must make findings as set forth in the HPMC. A Development Permit may be approved only if all of the following findings are made:

1. That the proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of this Code, including prescribed development/site standards
2. The proposed development is consistent with the General Plan.
3. The proposed development would be harmonious and compatible with existing and planned future developments within the zoning district and general area, as well as with the land uses presently on the subject property.
4. The approval of the Development Permit for the proposed project is in compliance with the requirements of the California Environmental Quality Act (CEQA) and the City's Guidelines.
5. The subject site is physically suitable for the type and density/intensity of use being proposed.
6. There are adequate provisions for public access, water, sanitation and public utilities and services to ensure that the proposed development would not be detrimental to public health, safety and general welfare.

7. The design, location, size and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the City.

Planning Division staff will bring back a resolution with findings to support or deny the Applicant's use depending on the Planning Commission's determination of the Applicant's business.

RECOMMENDATION:

Conclusion

Approval or denial of the Applicant's request for a Development Permit is contingent on the classification of his proposed use. Based on the evidence presented, the Planning Commission has the following options:

1. The Planning Commission can classify the Applicant's use as a mixed-martial arts studio. With this determination, the Applicant's use will comply with all applicable Planning development standards, including parking, and the Applicant's **request for a Development Permit will be approved.**
2. The Planning Commission can classify the Applicant's use as a health/athletic club. With this determination, the Applicant's use will not comply with all applicable Planning development standards, including parking, and the Applicant's **request for a Development Permit will be denied.**
3. The Planning Commission can continue this item to obtain additional information on the Applicant's proposed use.

EXHIBITS:

- A: Site Plan
- B: Floor Plan
- C: Elevations
- D: Development Permit Application
- E: Rocket Fitness Business Plan
- F: Images from Rocket Fitness Website