

RESOLUTION NO. 2019-019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING USE PERMIT UP-111-18 (FILE NO. 2018-053), SUBJECT TO CONDITIONS, TO RENOVATE AN EXISTING 6,920 SQUARE FOOT TENANT SPACE IN ORDER TO ESTABLISH AND OPERATE AN “ANYTIME FITNESS” HEALTH CLUB WITHIN THE LINDA MAR SHOPPING CENTER AT 1367 LINDA MAR BOULEVARD (APN 023-041-270), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Brett Livingstone (“Applicant”)

WHEREAS, Applicant has submitted an application on behalf of the property owner, Kimco, to renovate an existing 6,920 square feet (sf) tenant space for an “Anytime Fitness” health club franchise (“Project”); and

WHEREAS, the Project requires Planning Commission approval of a use permit for a “Health/Fitness Club” pursuant to the proposed zoning standards contained in Text Amendment TA-114-18 (File No. 2018-061) which the City Council will consider for adoption at a future meeting; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on May 20, 2019, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the project qualifies for Class 1 and Class 3 exemptions under CEQA Guidelines Sections 15301 and 15303, as described below:

Class 1 exemption provided in Section 15301 [Existing Facilities] of the CEQA Guidelines states in part:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination... The key consideration is whether the project involves negligible or no expansion of an existing use. Examples of this exemption include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

The proposed project fits into the scope of the Class 1 exemption in that it includes the location of the proposed health/fitness club in an existing, developed shopping center, which includes several businesses. Location of the proposed facility in an existing tenant space would be negligible expansion of a use through interior alterations to an existing space.

Class 3 exemption provided in Section 15303 [New Construction or Conversion of Small Structures] of the CEQA Guidelines states in part:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure...

The proposed project fits within the scope of a Class 3 categorical exemption in that it includes interior renovation of existing tenant space for use as a health/fitness club. Specifically, the renovation would include removal and reconfiguration of internal walls for the creation of a training area, a reception counter at the entry, two restrooms, 2 locker rooms, a group exercise room, a storage room and private office. No significant modifications are proposed to the exterior of the structure in which the proposed facility is located and would only include directional signage.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project, as described below:

Sec. 15300.2(a): There is no evidence in the record that the project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. The project site is located within a substantially developed shopping center.

Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact. Therefore, there is no foreseeable cumulative impact from these minor projects which could have a significant environmental impact.

Sec. 15300.2(c): There is no evidence in the record of any possibility that the project would have a significant effect on the environment due to unusual circumstances. The project site is designated for commercial use and includes renovation of an existing tenant space in an existing, developed shopping center. As such, there are no identifiable unusual circumstances that would have significant effect on the environment.

Sec. 15300.2(d) through (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements of Class 1 and Class 3 exemptions and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Use Permit UP-091-17:

- i. *That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.*

Discussion

The project proposes interior renovations of an existing tenant space for accommodation of a “Health/Fitness Club” as that use is defined in Text Amendment TA-114-18. Because the use is a typical use found in many commercial shopping centers in the Bay Area region, staff identified no unusual characteristics which could threaten public health, safety, and welfare. However, the parking demand required for the proposed use warranted further analysis because of its intensity.

The Linda Mar Shopping Center currently has 662 parking spaces. According to the Parking Analysis (Attachment E) prepared by the applicant, which took into account the existing uses in the shopping center, the cumulative parking requirement based on the City’s parking regulations is 746 parking spaces. The proposed project would require 35 spaces based on the parking standard for a Health/Fitness Club found in PMC Section 9-4.2818(e)(5) as amended by Text Amendment TA-114-18.

The Parking Analysis concludes that even at peak demand for the Anytime Fitness use, and an additional 5 percent increase in demand, there would still be a surplus of 194 spaces within the shopping center based on actual expected usage. Peak usage time for other Anytime Fitness franchises tends to be between 6:30 a.m. and 8:30 a.m., Monday through Friday, where the club typically averages no more than 32 members at any given time. During this time, the Linda Mar Shopping Center’s current peak parking load is only 162, or less than 25 percent of the center’s parking capacity. The expected increase in parking demand during Anytime Fitness’s peak period of activity would not be significant and would not change the vehicular circulation pattern in the shopping center and surrounding streets. Automobile circulation patterns in the West Linda Mar neighborhood are well developed and adequate to meet the needs of the minor traffic increase as a result of this project. The project does not modify pedestrian circulation patterns in the shopping center, which are defined by the sidewalks in front of the buildings.

Overall, the project would generate very limited change from the general character and intensity of the neighborhood as it exists currently. It would generate a use consistent with other uses in the shopping center and the general plan designation for the site. It would comply with General Plan policies, as described below. Also, a condition of approval would allow only for indoor use with this use permit; the lack of outdoor use of the facility would ensure that the use would not generate excessive noise or disturbances for other businesses or residents in the vicinity. Therefore, the project would not be detrimental to the

health, safety, or welfare of persons residing or working in the neighborhood or to the general welfare of the City.

- ii. *That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan.*

Discussion

The General Plan designation for the project site is “Commercial”. As described above in this Staff Report, the project is consistent with the General Plan designation for the site and the existing conditions on the site. The project is consistent with the following General Plan policies:

- Community Design Element Policy No. 2: *Encourage the upgrading and maintenance of existing neighborhoods.*
- Land Use Element Policy No. 8: *Land use and development shall protect and enhance the individual character of each neighborhood.*

In furtherance of both of these policies, the project would occupy existing tenant spaces and upgrade them to provide a healthful use of interest to the community. The proposed use would enhance the character of the Linda Mar Shopping Center by operating a commercial use which is consistent with the established commercial character of this part of the West Linda Mar neighborhood. The proposed use would also benefit the West Linda Mar neighborhood and the larger community by creating convenient access to fitness activities which can improve public health.

The Local Coastal Plan is not applicable to the project as the site is not located in the coastal zone.

- iii. *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

Discussion

The project proposes interior renovations to customize existing space for a health/fitness club. With the exception of signage, it would not include any exterior changes to the building in which it is located. The project also does not propose any changes to the site plan, building design or landscaping of the Linda Mar Shopping Center. As such, the Design Guidelines are not applicable in this instance as the proposed use does not impact the site plan or architecture of the site and building where it would be located. The signage would be subject to ministerial review by staff during the building permit review process provided that the signage is consistent with the Linda Mar Shopping Center master sign program.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves Use Permit UP-111-18, subject to conditions of approval attached as Exhibit A, and subject to future enactment by the City Council of the zoning amendments described in Text Amendment TA-114-18 (File No. 2018-061).

* * * * *

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 20th day of May, 2019.

AYES, Commissioners: BIGSTYCK, CAMPBELL, KRASKE, NIBBELIN,
RUBINSTEIN

NOES, Commissioners: N/A

ABSENT, Commissioners: BERMAN, CLIFFORD

ABSTAIN, Commissioners: N/A



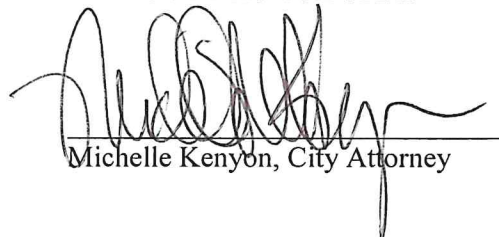
Oren Rubinstein, Vice Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2018-053 – Use Permit UP-111-18, to renovate an existing 6,920 square feet (sf) tenant space to establish and operate an “Anytime Fitness” health club franchise at the Linda Mar Shopping Center at 1367 Linda Mar Blvd. (APN 023-041-270)

Planning Commission Meeting of May 20, 2019

Planning Division

1. Development shall be substantially in accord with the plans stamped as received November 5, 2018, and revised February 14, 2019, except as modified by the following conditions.
2. The date of final determination on Use Permit UP-111-18 shall be the effective date of any future ordinance adopted by the City Council of the City of Pacifica to approve Text Amendment TA-114-18. Use Permit UP-111-18 shall have no force or effect until, and its term of approval shall begin on, the effective date of an ordinance approving Text Amendment TA-114-18.
3. Use Permit UP-111-18 shall be valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director’s sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.

In the event of litigation filed to overturn the City’s determination on the approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.

4. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
5. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
6. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
7. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
8. All uses and training shall be conducted entirely within the enclosed space of the “Anytime Fitness” premises. Outdoor uses shall be prohibited unless Applicant obtains City approval of a use permit which explicitly allows for outdoor uses.
9. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”)

from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Building Division

10. The project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

Engineering Division

11. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented and the construction BMPs plans sheet from the Countywide program shall be included in the project plans.
12. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Linda Mar Boulevard. Dust control and daily road cleanup will be strictly enforced.
13. Existing curb, sidewalk or other street improvements adjacent to the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
14. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to Building Permit Final.

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North County Fire Authority

15. Existing sprinkler/fire alarm system shall be altered/extended. Install per NFPA 13. Submit under separate fire permit.
16. Fire alarm system required under separate fire permit and plan check. Install per NFPA 72.
17. Fire alarm system shall be monitored per CFC.
18. Smoke Detectors and CO monitors required per CBC.
19. HVAC smoke detection and automatic shutdown required per NFPA 90A and CMC.
20. Portable fire extinguisher(s) required. Mount fire extinguishers 3-5 feet above floor, visible and accessible. Field verify.
21. Clearly visible address identification required.
22. Doors shall be easily openable in one motion without special knowledge, key or effort per CBC. Use of thumb operated deadbolts prohibited unless integrated with latch.
23. Exit signs/emergency illumination required.

Wastewater Division of Public Works Department

24. Applicant will need to obtain Lateral Compliance Certificate for approval of Building Permit.

END