



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: June 20, 2013

TO: Planning Commission

APPLICANT: Greg Smiley
Precision Crossfit
1617 Fremont Drive
Thousand Oaks, CA 91362

CASE NO.: 13-CUP-004

LOCATION: 28710 Canwood Street

REQUEST: Request for approval of a Conditional Use Permit to operate a personal training gymnasium. (The applicant initially requested a parking variance from Municipal Code Section 9654.6. to allow a holistic personal training gymnasium to locate in a light-industrial center with 52 total on-site parking spaces, instead of the required 64 parking spaces for all existing and proposed uses, but staff has determined that the variance is not required due to the prior approval of a parking variance for the same site.)

ENVIRONMENTAL DETERMINATION: Exempt from the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 13-CUP-004 subject to conditions, based on the findings of the attached draft Resolution.

ZONING DESIGNATION: BP-OR-FC (Business Park-Office Retail – Freeway Corridor Overlay)

GENERAL PLAN DESIGNATION: BP-OR (Business Park-Office Retail)

I. PROJECT BACKGROUND AND DESCRIPTION

The applicant, Greg Smiley, desires to locate his personal training gymnasium (Precision Crossfit) at 28710 Canwood Street, located on the south side of Canwood Street, between Clareton Drive and Derry Avenue. The property was developed in the 1970s, prior to City incorporation, with two buildings totaling 25,400 square feet that were originally used for light-industrial use. The property is located in the Business Park-Office Retail (BP-OR) zone, and is also within the Freeway Corridor (FC) Overlay District.

The personal training gymnasium is proposed to occupy 4,500 square feet of tenant space (17.7% of the center) that is currently occupied by Akey Brakey Automotive, and within an additional, adjacent vacant tenant space, located in the rear, southeast corner of the center. According to the applicant's attached project description, the personal training gymnasium is "a place of education and learning, educating persons on the art of body movement and the importance of nutrition as the foundation of everything else." Lessons of 30-40 minutes in duration will "focus on consistent body mechanics and mastery, through repeated practice of the movements, and will involve the improvement of health through the use of the functional movements in a manner designed to create a physical stress on the body that in turn will create gains in overall strength, power, flexibility, stamina, cardiovascular/respiratory endurance, balance, speed, coordination, agility and accuracy, all built upon the foundation of sound nutrition." The applicant also notes that the facility will not be using any of the machines commonly associated with fitness gyms. As this use is a personal training gymnasium, the proposed hours of operation are:

Monday – Friday: 6:00 a.m. to 9:00 a.m.; and 5:00 p.m. to 7:30 p.m.
Saturday – Sunday: 9:00 a.m. to 11:00 a.m.

Pursuant to Municipal Code Section 9654.6, the proposed use would require an on-site parking supply of 18 spaces for the 4,500 square feet of tenant space (1 space for each 250 square feet of floor area). The total parking demand for the center as a whole, including the proposed use, existing uses, and vacant tenant spaces are shown as follows:

Tenant	Tenant Space Size	Required Parking Spaces
Zandi Rugs	6,000 sq. ft.	8
Agoura Boxing	3,000 sq. ft.	9
Auto Show and Sell	2,000 sq. ft.	2
Mattress Pros	3,000 sq. ft.	4
K9 Gym & Rehab. Center	3,000 sq. ft.	15
Vacant	3,900 sq. ft.	8
Precision Crossfit	4,500 sq. ft.	18
Total	25,400 sq. ft.	64

The center's parking lot accommodates 52 parking spaces that are shared between the two buildings (28710 and 28714 Canwood Street). The light-industrial center was approved under Los Angeles County's jurisdiction with a required on-site parking ratio of one (1) space for each 500 square feet of building area. Over the years, the center has had a mix of light-industrial, automotive, office, and light retail business tenants. Currently, the property is approximately 84% occupied (21,500 square feet). The current mix of tenants requires 53 parking spaces, even though there are only 52 parking spaces on-site. Vacant tenant spaces totaling 4,900 square feet currently exist in the center. At a 1:500 parking ratio originally approved for the use of these vacant spaces, an additional 10 parking spaces would need to be provided. Thus, the current parking demand is 63 spaces. With the loss of Akey Brakey Automotive and new occupancy of a vacant office tenant space, the occupancy of the proposed personal fitness gymnasium would raise the total site parking demand to 64 spaces, as shown in the table above. Since the parking demand for the proposed personal training gymnasium would exceed the original allocation for the tenant space (1:500 sq. ft., or 9 spaces) and the total allocation for the center (52 spaces), the applicant applied for a parking Variance.

In December of 2011, however, the Planning Commission approved a parking Variance for a veterinary clinic, K9 Gym and Rehabilitation Center, to locate in the center. The parking Variance granted for that case (Case No. 11-VAR-003) allowed for a mix of uses so long as the center's parking demand does not exceed 68 spaces. As explained in the table above, the proposed mix of uses (with the approval of the Precision Crossfit gym) would require 64 spaces pursuant to Municipal Code Section 9654.6. Since this would fall within the already approved variance threshold of 68 spaces, staff has determined that a variance would not be required for the proposed personal training gymnasium. Thus, the applicant has withdrawn the variance application. Although the variance was publicly noticed for a hearing and the request appears on the Planning Commission agenda, the only action to be taken at this time by the Planning Commission is to consider the Conditional Use Permit.

II. STAFF ANALYSIS

Conditional uses require special consideration due to their unusual or special characteristics so that they may be located and operated properly with respect to the objectives of the Zoning Ordinance and their effects on surrounding properties. The Planning Commission has discretionary authority to grant or deny Conditional Use Permit applications and impose reasonable conditions. For this particular request, the Planning Commission has the authority to establish limitations on the type of activity proposed, as well as the hours of operation, if deemed necessary to achieve compatibility with the surrounding land uses.

A physical fitness club is a permitted use in all commercial zones, as well as in the BP-M (Business Park-Manufacturing) zone. However, if located in a BP-OR zone, as in this instance, a Conditional Use Permit is required to assess compatibility of the use with adjacent uses. The property was developed under Los Angeles County jurisdiction as a light industrial park and the current tenant mix within the center remains more representative of a business park-manufacturing complex than a business park-office/retail complex. Besides the K9 Gym and Veterinary, other tenants include Agoura Boxing, Zandi Rugs, Mattress Pros, and Auto Show and Sell.

Staff supports the applicant's conditional use permit application, finding the use to be compatible with those uses that are currently within the center, as well as with potential future tenants. Even though the property was re-zoned from BP-M to BP-OR and the property was recently upgraded by the new owner, the buildings themselves are designed to be more conducive for light-industrial type businesses, with roll-up doors provided for each tenant and limited window space.

More importantly, the General Plan Land Use and Community Form Element "encourages the integration of uses in business parks that serve the needs of the employees and reduce their need to travel off-site during the workday, including such uses as a financial services, business services, restaurants, and *health clubs*." Thus, even if the uses on-site transition to more traditional business park-office uses, the existence of a personal training gym will be compatible with those future uses. Moreover, a boxing school is located in the center, directly across from the applicant's proposed tenant space. Finally, the personal training gymnasium will be conducted indoors and noise impacts are anticipated to be minimal.

Staff recommends that the applicant's proposed hours of operation be included as a condition of approval of the Conditional Use Permit. Limiting the proposed hours of operation will alleviate the competing parking demand of various on-site uses because the hours of operation differ from other businesses at the site. As described above, the use does not require approval of a parking variance because of the previously approved variance allowing a mix of uses on-site so long as the parking requirement for the current/proposed mix of uses does not exceed 68 spaces. In this case, the proposed mix of uses, with the approval of the project, would require only 64 parking spaces. Thus, a parking variance would not be required for this project.

The proposed project consists of minor alterations within an existing building, and no changes to the exterior portions of the property, and no expansions of an existing use. As such, staff finds the project to be exempt from the California Environmental Quality Act (CEQA), per Section 15301 of the CEQA Guidelines, and no negative declaration or environmental impact report is required.

III. RECOMMENDATION

Based on the foregoing review and analysis, staff recommends the Planning Commission approve Conditional Use Permit Case No. 13-CUP-004, subject to conditions.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Applicant's Project Description
- Vicinity Map

Case Planner: Doug Hooper, Assistant Director of Community Development

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS APPROVING CONDITIONAL USE PERMIT NO. 13-CUP-004 FOR A PERSONAL TRAINING GYMNASIUM TO BE LOCATED AT 28710 CANWOOD STREET

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by Greg Smiley, on behalf of Precision Crossfit, with respect to real property located at 28710 Canwood Street, Units 105-107 (Assessor's Parcel No. 2048-012-024), requesting approval of a Conditional Use Permit to operate a personal training gymnasium. A public hearing to consider Case No. 13-CUP-004 was duly held on June 20, 2013, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid was duly given and published as required by state law.

Section 2. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9673.2.E of the Agoura Hills Municipal Code, that:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the zoning district in which the use is located. The proposed, conditionally permitted use will be located within an existing building and meets one of the purposes of the Business Park-Office Retail (BP-OR) zoning district, which is to provide for smaller planned developments, renovations, and additions, including offices and incidental related commercial uses within a campus environment that are harmonious with adjacent commercial development. The proposed use is compatible with existing commercial uses, including a nearby boxing gymnasium and other commercial uses, including an animal clinic, mattress store, and rug store.
- B. The proposed use, as conditioned, is compatible with the surrounding properties. The use will be located indoors and will provide for sufficient on-site parking as previously approved for the property by the Planning Commission, without impacting neighboring office or commercial development. The personal training gymnasium will be compatible with existing commercial uses within the center. The hours of operation will not overlap significantly with the hours of operation of other businesses within the center, which will reduce simultaneous parking demand and ensure sufficient parking supply.

- C. The proposed use, as conditioned, and the condition under which it will be operated and maintained will not be detrimental to the public health, safety, or general welfare. The use will be located indoors, within an existing building, and all required tenant improvements will be subject to compliance with the City Building Code and development standards of the Zoning Ordinance.
- D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance relative to the use and standards of operation. The use will comply with the previously approved variance for on-site parking at the commercial center.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The fitness use is unique in that the service provided is intended for personal, one-on-one, training that is not typical of other larger, public fitness centers.
- F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The General Plan Land Use and Community Form Element encourages the integration of uses in business parks that serve the needs of the employees and reduce their need to travel off-site during the workday, including uses such as health clubs.

Section 4. The proposed project consists of minor alterations within an existing building, and no changes to the exterior portions of the property or expansions of an existing use are requested. As such, the project is exempt from the California Environmental Quality Act (CEQA), per Section 15301 of the CEQA Guidelines, and no negative declaration or environmental impact report is required.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 13-CUP-004, subject to the attached conditions, with respect to the property described in Section 1 herein.

Section 6. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 20th day of June, 2013, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Michael Justice, Chairperson

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(Case No. 13-CUP-004)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site Plan, and Floor Plan.
3. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless this permit is used within two (2) years from the date of City approval, Case No. 13-CUP-004 shall expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The applicant shall comply with all applicable Public Health Statutes, Ordinances and Regulations related to the disposal of sewage.
8. All tenant improvements shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
9. The applicant shall comply with the requirements of the Los Angeles County Fire Department prior to the issuance of a Building Permit.
10. The applicant shall obtain a Business License from the City of Agoura Hills prior to issuance of a building permit, and shall comply with all business license application requirements.

BUILDING AND SAFETY DEPARTMENT CONDITIONS

11. This project is subject to the 2010 California Building, Mechanical, Plumbing, Electrical, Energy, and Green Building Codes as long as the complete set of construction plans are submitted to the Building and Safety Department prior to January 1, 2014. If the project

is submitted after that date, it will be subject to the latest adopted code of the City of Agoura Hills.

12. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans shall be submitted to the Building and Safety Department for plan review and approval.
13. The applicant shall provide the following information to the Building and Safety Department prior to obtaining plan approval: 1) Building square footage; 2) Building occupancy; 3) Building occupant load; 4) Location of fire walls; and 5) The number of required bathroom fixtures. Additional information may be required based on the information provided.
14. The applicant shall provide an accessible path of travel from the public right-of-way to the main entrance of the tenant space.
15. All public and common use areas must comply with State and Federal accessibility requirements.
16. The applicant shall provide an accessible parking stall on the south side of the parking lot and a compliant path of travel to the tenant space main entrance.
17. Los Angeles County Health Department review and approval will be required for this project.
18. Los Angeles County Fire Department review and approval will be required for this project.
19. Fire sprinklers will be required for this project per Section 903.2, Article VIII of the Agoura Hills Municipal Code.

SOLID WASTE MANAGEMENT CONDITIONS

20. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of

material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.

21. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy.
22. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

SPECIAL CONDITIONS

23. Permitted hours of operation are as follows:

Monday through Friday: 6:00 a.m. to 9:00 a.m.; and 5:00 p.m. to 7:30 p.m.
Saturday and Sunday: 9:00 a.m. to 11:00 a.m.
24. All rooftop equipment shall be screened from public view from the adjacent roadways and surrounding properties to the satisfaction of the Director of Planning and Community Development.
25. Any proposed on-site signage shall comply with the City Sign Ordinance and shall be subject to review and approval by the Director of Planning and Community Development.

1. END

This letter is in regards to our business to be located in the general use industrial area located at 28710 Canwood Street in the city of Agoura Hills, 91301. The main purpose of the business is to build a community which is focused on increased level of health and vitality of life. Our community is far too fast becoming a community of miss-guided information regarding sickness, wellness and fitness. It's our goal and vision to reverse this train of thought and lifestyle; to change lives by helping, encouraging and educating others in health and fitness. In order to accomplish such a task, the focus must be educating individuals in nutrition, body mechanics, basic physiology, anatomy and practical use of these ideas.

The business will be owned and operated by three local residents. Greg Smiley, who is a 23 year law enforcement veteran, Mike Tromello, a strength and conditioning coach who currently coaches over 30 students from several local schools including Westlake, Agoura and Lorena High School. The third partner is Stephan Tromello, a 21 year local business owner in the city of Newbury Park.

As for the business itself, the way we see it, it's a place of education and learning, educating persons on the art of body movement and the importance of nutrition as a foundation for everything else.

Natural body movement does not utilize the use of any type of exercise equipment that may be found in an "LA Fitness" type facility. Our bodies were not a design of this equipment so it utilizes no carry over or functional movement in relation to everyday life. Our facility will not be using any of these machines commonly associated with gyms; instead the focus will be on functional body movements such as the common "squat", one of the most foundational natural, but very miss-understood "exercise" movements known to human bio-mechanics.

The business will be open 6:00 AM to 9:00 AM and 5:30 PM to 7:30 PM Monday through Friday and 9:00 AM to 11:00 AM on Saturday and Sunday.

The personal training sessions will begin with a discussion on nutrition, a natural body warm up, followed by a discussion, explanation and practice of the movements focused on in the practical lesson. The practical lesson will be a 30 - 40 minute session focused on consistent body mechanics and

mastery, through repeated practice of the movements discussed and practiced prior. The practical session will involve the improvement of health through the use of the functional movements in a manner designed to create a physical stress on the body that in turn will create gains in overall strength, power, flexibility, stamina, cardiovascular/respiratory endurance, balance, speed, coordination, agility and accuracy, all of course built upon the foundation of sound nutrition.

The business is not a gym; people will not come at their leisure. It is a community based center for nutritional education and practical implementation of what is taught in the art of body movement and the science behind sound nutrition.

Thank you for your time in this matter,

Greg Smiley
Mike Tromello
Stephan Tromello

Canwood Street

Berry Avenue

Subject Site

