

**RESOLUTION NO. 02-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A VARIANCE TO THE 35' HEIGHT LIMIT TO ENCLOSE THE UPPER FLOOR OPEN DECK AREAS AND TO ENCLOSE THE OPEN AREA ABOVE THE PARKING STRUCTURE IN CONJUNCTION WITH AN EXPANSION AND REMODEL TO AN EXISTING RETAIL AND ENTERTAINMENT CENTER AT 1605 PACIFIC COAST HIGHWAY**

The Planning Commission does hereby resolve and order as follows:

Section 1 An application was filed by Shook Development Corporation owner of property at 1605 Pacific Coast Highway, known as the "Hermosa Pavilion", seeking approval of a Variance from the maximum 35-foot building height in the S.P.A. 8 zone to allow enclosure of existing upper floor open deck areas and to add floor area above the open portion of the parking structure.

Section 2 The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Variance on February 19, 2002, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3 Based on the evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. As part of an overall remodel and expansion to an existing retail entertainment center, the applicant desires to enclose open deck areas located within gaps between existing enclosed spaces at the upper level originally set aside for outdoor uses (dining, open corridors). Since the building height is not being increased above existing roof heights at these locations, the need for the Variance is because the height limit was change from 45 to 35 feet when the subject property was rezoned from C-3 to Specific Plan Area 8 in 1990.

2. The applicant also desires to enclose open deck areas located on the western side of the building and to add floor area above the open area of the parking structure at the southwestern corner of the building. This enclosure and added floor will exceed the existing building height since the deck railing and wall of the parking structure represent the highest point of the building along this edge.

3. The Variance is being requested in conjunction with a substantial remodel and expansion to an existing retail and entertainment center, "The Hermosa Pavilion" to accommodate a health and fitness facility, office and retail space.

Section 4 Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Variance:

1. There are exceptional circumstances relating to the property due to the combination of the site conditions, and the open deck design on the upper floor of the building. The lot contains a fairly steep slope (a grade change of 20 feet between the upper portion on Pacific Coast Highway and westerly lower side) and is already significantly built-out to its near maximum potential with a height to its highest point (measured from the sloping grade) of about 40 feet at the front, and height of 45 feet at the back even though the back portion of the building is stepped down feet from the highest point of the roof on the front. The original design of the building contains open deck areas on the upper level which have not shown any economic utility since the building was completed. It was anticipated that restaurants would occupy these

spaces. These areas could have been enclosed at the time of original construction if an alternate use required enclosure of these areas such as the fitness club.

2. The variance is necessary for the enjoyment of a substantial property right possessed by other properties in the vicinity because as the property owner is seeking to retrofit a building in order to use a portion of a largely vacant building for a viable economic purpose. This viable use that is a substantial property right (given that the building is already in place) would otherwise be denied by strict application of the height limit.

3. The requested Variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity because as it permits the enclosure of gaps between existing roof lines and will negligibly effect the visual appearance of the building, and will not effect any views. Also, the enclosure of these deck areas which could be used for outside dining under the current plan will actually be beneficial to nearby residential uses as it will attenuate potential noise impacts.

4. The proposed variance does not conflict with and is not detrimental to the General Plan as it does not result in material damage to surrounding properties, and is also consistent with the goals, objectives, and policies of the General Plan. The General Plan encourages viable economic uses along the Commercial Corridor, and also encourages compatibility between commercial and residential uses.

Section 5. Based on the foregoing, the Planning Commission hereby approves the subject Variance subject to the following **Conditions of Approval:**

- 1. The project shall be consistent with submitted. Any minor modifications to the plan shall be reviewed and may be approved by the Community Development Director.**
- 2. The Variance is specifically limited to the situation and circumstances that result relative to the proposed expansion and remodeling of the existing structure and is not applicable to the development of new structures or any future expansion.**

AYES:

NOES:

ABSENT:

ABSTAIN:

#### CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 02- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of February 19, 2002.

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Sam Perrrotti, Chairman

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Sol Blumenfeld, Secretary