

May 12, 2003

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission**

**Regular Meeting of
May 20, 2003**

SUBJECT: CONDITIONAL USE PERMIT AMENDMENT 03-6

LOCATION: HERMOSA MOTOSPORT
422 PACIFIC COAST HIGHWAY

APPLICANT: MANFRED (DAVE) HANDEL
422 PACIFIC COAST HIGHWAY
HERMOSA BEACH, CA 90254

REQUEST: TO CHANGE USE FROM JET SKI REPAIR AND SALES TO MOTORCYCLE
REPAIR AND SALES

Recommendation

To approve the amendment subject to conditions.

Background

ZONING:	SPA-7
GENERAL PLAN:	Commercial Corridor
LOT SIZE:	4,350 square feet
BUILDING AREA:	2,700 square feet
PARKING PROVIDED:	4 spaces
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

At the July 6, 1993 meeting, the Planning Commission approved a Conditional Use Permit (P.C. Resolution 93-42) to allow jet ski repair in conjunction with sales and off-site rentals at the subject location. The jet ski repair and sales use, Performance Toys, operated at the subject location until December of 1998. Motosport Hermosa, a motorcycle repair and sales shop, operated with City CUP approval (P.C. Resolution 96-40) for motorcycle repair and sales at the adjacent property at 424 Pacific Coast Highway. The business relocated to the subject location in December of 1998. It operated under the prior CUP for jet ski repair without City approval until late 2002. The current owner took possession of the business and is seeking to legalize the use with a new CUP.

The subject property is located on the east side of Pacific Coast Highway between 4th and 5th Street. The property has adjacent commercial uses to the north and south, and residential property to the east across the alley behind the business.

Analysis

The applicant wants to legally establish the existing motorcycle repair and sales use that has been in operation at the subject location since December of 1998. Changing the use from jet ski repair and

sales to motorcycle repair and sales requires an amendment to the existing Conditional Use Permit. The applicant is not changing the floor plan of the existing building, which has a showroom and retail area (including apparel and accessory sales) in the front half of the building, an office and interior repair area in the back half of the building, and a gated staging area accessed by the alley behind the property.

The existing building is nonconforming to parking with room for four (4) parking spaces accessed off the alley. Because the businesses are nearly identical (retail and repair uses), the change from jet ski repair and sales to motorcycle repair and sales is not an intensification in use and no additional parking is required. Also, according to the business owner, there are far less trailers being brought to the property by customer delivery and pick-up of motorcycles as compared to the previous jet ski repair and sales use. Because the repair portion of the business is in the rear of the building with access off the alley, customers requiring repair services deliver their motorcycles via the alley, and thereby do not impact circulation on Pacific Coast Highway. However, circulation on the alley behind the business and on the streets that access the alley (4th and 5th Street) may be impacted by the motorcycle repair and sales use. Staff received correspondence from neighboring residential property owners citing circulation concerns regarding large trucks blocking the alley and a large truck owned by the motorcycle repair and sales business being regularly parked on public streets. During separate site inspections, staff witnessed a large truck owned by the business being stored in the parking area behind the business, blocking all the required parking spaces, and the same truck being parked in the public-right-of-way on 4th Street (please see attached photographs). To mitigate these problems, staff recommends that storage or parking of any motor vehicles associated with the business, for sale or otherwise, shall be prohibited on the public rights-of-way and any on-site vehicle storage and display shall not reduce or otherwise affect access to the required number of parking spaces for customers and employees as additional Conditions of Approval.

There are similarities between jet ski repair and motorcycle repair. The conditions in the existing CUP resolution for the jet ski repair establishment can be applied to the motorcycle repair and sales business. Condition of Approval No. 8 of Resolution P.C. 93-42 states “All jet ski service (revving or testing of engines) shall be conducted inside the building with the doors closed.” This condition was never implemented. In order to implement this condition a special exhaust and air filtration system must be installed so motor exhaust fumes will not collect inside the building, causing a safety hazard. The applicant estimates the cost of such a system at \$25,000. Because there have been complaints from owners of neighboring residential properties about the business regarding revving engine noise and engine exhaust fumes, staff recommends that installation of the special exhaust and air filtration system as a Condition of Approval to mitigate potential noise and air quality nuisances.

CONCUR:

Sol Blumenfeld, Director

Scott Lunceford
Planning Assistant

Attachments

1. Proposed Resolution
2. Location Map

Community Development Department

3. Photographs

4. Correspondence

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P.C. RESOLUTION NO. 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CHANGE USE FROM JET SKI REPAIR AND SALES TO MOTORCYCLE REPAIR AND SALES AT 422 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS LOT 23, GARDEN VIEW TRACT.

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Manfred (Dave) Handel seeking approval of an amendment to a Conditional Use Permit to change the use from jet ski repair and sales to motorcycle repair and sales at 422 Pacific Coast Highway pursuant to the requirements of Chapter 17.40 of Zoning Ordinance;

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit Amendment on May 20, 2003, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Based on the testimony and evidence received the Planning Commission makes the following factual findings:

1. At the July 6, 1993 meeting, the Planning Commission approved a Conditional Use Permit (P.C. Resolution 93-42) to allow jet ski repair in conjunction with sales and off-site rentals at the subject location.
2. The applicant wants to legally establish the existing motorcycle repair and sales use that has been in operation at the subject location since December 1998, which requires a Conditional Use Permit pursuant to Chapter 17.26 of the Zoning Ordinance.
3. The subject property is located on the east side of Pacific Coast Highway between 4th and 5th Street. The property has adjacent commercial uses to the north and south, and residential property to the east across the rear alley.
4. The applicant is not changing the floor plan of the existing building.
5. The subject lot is zoned SPA-7, Specific Plan Area.

Section 3. Based on the foregoing factual findings the Planning Commission makes the following findings pertaining to the application for a Conditional Use Permit Amendment:

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1. The general criteria of Hermosa Beach Municipal Code Section 17.40.020 for granting or conditionally granting a Conditional Use Permit in the SPA-7 zone have been considered. In making this finding, the Planning Commission has determined that:
 - a. The proximity of the business to existing residential uses to the east will not result in negative effects with incorporation of the conditions below.
 - b. The amount of existing off-street parking facilities on the subject property is adequate for the proposed use change because there is no parking demand intensification based on the similarity of the motorcycle repair and sales use to the jet ski repair and sales use.
 - c. The use proposed is compatible with others in the area.
 - d. The business operations will not result in adverse noise, odor, dust or vibration environmental impacts with incorporation of the conditions below.
 - e. The proposed use will not result in an adverse impact on the City's infrastructure and/or services.
 - f. The proposed business will not be materially detrimental to property or improvements in the vicinity and zone.
 - g. The proposed business will be consistent with the General Plan and Zone Code because the SPA-7 zone permits motor vehicle repair and sales uses.
 - h. The SPA-7 zone, in which the proposed project is located, is intended to provide opportunities for the full range of office, retail and service businesses deemed suitable for the City's commercial corridor and appropriate for Pacific Coast Highway pursuant to Section 17.38.290 of the Zone Code.
2. This project is Categorically Exempt pursuant to 15301, Class 1 of the California Environmental Quality Act Guidelines alterations to existing facilities.

Section 4. Based on the foregoing, the Planning Commission hereby approves the subject Conditional Use Permit subject to the following **Conditions of Approval** which supercede the conditions contained in Resolution P.C. 93-42:

- 1. The development and continued use of the property shall be in conformance with submitted plans as revised and reviewed by the Planning Commission at their meeting of May 20, 2003.**
- 2. A revised plan shall be submitted incorporating the following revisions.**
 - a. Placement and specifications of an exhaust and air filtration system appropriate for eliminating motor exhaust fumes from the building interior during repair work shall be shown on plans.**
- 3. Installation of the exhaust and air filtration system shall be completed as per approved plans.**

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- 4. All motorcycle service and repair shall be conducted inside the building with the doors closed. Outdoor work on vehicles is prohibited.
- 5. The operating hours for repair shall be limited to between 8:00 A.M. and 9:00 P.M. Monday through Saturday, with repair prohibited on Sundays.
- 6. Any on-site vehicle storage and display shall not reduce or otherwise affect access to the required number of parking spaces for customers and employees.
- 7. Use of customer/employee designated parking spaces for displaying or storing of vehicles shall be prohibited. Short term storage of motorcycles shall be permitted in the staging area located behind the building between the building and the fence. Overnight storage outside is prohibited.
- 8. All parking spaces shall be properly striped and appropriate signs posted indicating the spaces are for employees and customers of Hermosa Motosport only.
- 9. The existing wrought iron fencing between the staging area and parking spaces shall be maintained in good condition at all times.
- 10. Public right-of-way shall not be used for the parking or storing of vehicles that are used in conjunction with the business.
- 11. Storage of trucks, tractors, trailers and RV's in the parking area or any other location on the premises shall be prohibited. Vehicles used in conjunction with the business shall be allowed in the location designated on the approved plans.
- 12. Motorcycles to be serviced shall enter the building through the rear roll-up door only.
- 13. There shall be no outside bells, buzzers, public announcement system, or similar apparatus. Outside speakers for any purpose shall be prohibited.
- 14. Noise emanating from the property shall be within the limitations prescribed by the city's noise ordinance and shall not create a nuisance to surrounding residential properties and/or commercial establishments. Noise emanating from the property shall be monitored to verify compliance with the noise ordinance in response to any complaints.
- 15. All exterior lights shall be located and oriented in a manner to insure that neighboring residential properties and public right-of-way shall not be adversely affected.
- 16. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
- 17. Disposal of hazardous waste material shall be in accordance with local, state and federal laws, but in no event shall such material be allowed to drain into the City storm drain system.

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18. The project shall comply with the requirements of the Fire Department.

19. Final building plans/construction drawings including site, elevation, floor plan, sections, details, signage, landscaping and irrigation, submitted for building permit issuance shall be reviewed for consistency with the plans approved by the Planning Commission and the conditions of this resolution, and approved by the Community Development Director prior to the issuance of any Building Permit.

20. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.

Section 6. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed a the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.

The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

Each of the above conditions is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold harmless the City.

The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

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The Planning Commission may review this Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 03- 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 May 20, 2003.

Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

May 20, 2003
Date

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