

May 8, 2003

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

**Regular Meeting of
May 20, 2003**

SUBJECT: CONDITIONAL USE PERMIT 03-5

LOCATION: HERMOSA IMPORTS, LLC
900 PACIFIC COAST HIGHWAY

APPLICANT: ARIK BENSON & BRAD LOGAN
919 6TH STREET
HERMOSA BEACH, CA 90254

REQUEST: CONDITIONAL USE PERMIT FOR MOTOR VEHICLE SALES

Recommendation

To approve the request subject to the conditions as contained in the attached resolution.

Background

ZONING:	C-3
GENERAL PLAN:	General Commercial
LOT SIZE:	17,950 square feet
BUILDING AREA:	1,700 square feet
PARKING REQUIRED:	18 spaces
PARKING PROVIDED:	24 spaces
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject property is located on the east side of Pacific Coast Highway between 9th and 10th Street. The property is the only commercial use on the east side of Pacific Coast Highway between 9th and 10th Street and has adjacent residential properties to the east behind the business. A donut shop (retail use), Crystal Donuts, is the current use located on the site.

The subject business owners have operated a motor sales business under an approved CUP at 303 Pacific Coast Highway since April 1998.

This project is Categorically Exempt pursuant to 15301, Class 1 of the California Environmental Quality Act Guidelines alterations to existing facilities.

Analysis

The applicant proposes to sell previously owned motor vehicles, specializing in high-end cars such as Mercedes-Benz, at the subject location. Pursuant to Section 17.26.030 of the Zoning Ordinance, current commercial land use regulations require Conditional Use Permit approval for a motor vehicle sales use in the C-3 zone.

The applicant is proposing hours of operation for the business from 8:00 am to 9:00 pm everyday. These hours are consistent with operating hours of other motor vehicle sales establishments along the Pacific Coast Highway commercial corridor. Staff recommends including a Condition of Approval that these hours of operation not be exceeded.

The proposed motor vehicle sales use has a greater parking demand than the existing retail use. Based on the number of parking spaces required for various commercial uses as specified in Section 17.44.030 of the Zoning Ordinance, the proposed motor vehicle sales use requires 18 parking spaces (1 space for every 1000 square feet of lot area). The plans show striping for 24 parking spaces, including 1 handicapped accessible space and 8 compact spaces. However, except for an area along the street frontage on Pacific Coast Highway, the plans do not clearly note what parking spaces are for vehicle storage and display and which are for satisfying the minimum parking requirement for the proposed use. Staff recommends that the plans be revised to clearly show required parking space dimensions (including turning radius) and vehicle storage and display areas, and that the parking areas on the subject property be striped as per approved plans. Staff also recommends a Condition of Approval stating 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.

Additional conditions are recommended consistent with conditions used to mitigate possible negative impacts a motor vehicle sales use could have on the adjacent residential properties as previously approved in Conditional Use Permits for motor vehicle sales businesses at other locations within the city. These conditions address such issues as prohibiting use of exterior P.A. systems and servicing of vehicles, controlling exterior lighting to not have an adverse affect on neighboring residential properties and the public right-of-way, and standard operating conditions for motor vehicle sales establishments.

CONCUR:

Scott Lunceford
Planning Assistant

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photographs
4. Applicant Correspondence

cup900





P.C. RESOLUTION NO. 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW MOTOR VEHICLE SALES AT 900 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS LOTS 21, 22, 23, 24, 25, 26, AND 59, TRACT 5650.

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

Section 1. An application was filed by Arik Benson and Brad Logan seeking approval of a Conditional Use Permit to allow motor vehicle sales at 900 Pacific Coast Highway pursuant to the requirements of Section 17.40.020 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. The applicant is proposing to sell previously owned motor vehicles, specializing in high-end cars, at the subject location, which requires a Conditional Use Permit pursuant to Chapter 17.26 of the Zoning Ordinance.
2. The subject property is located on the east side of Pacific Coast Highway between 9th and 10th Street. The property is the only commercial use on the east side of Pacific Coast Highway between 9th and 10th Street and has adjacent residential properties to the east.
3. The existing building will not be enlarged or materially changed on the exterior.
4. The subject lot is zoned C-3, General Commercial.

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

1. The general criteria of Hermosa Beach Municipal Code Section 17.40.020 for granting or conditionally granting a Conditional Use Permit in the C-3 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.

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- b. The amount of existing off-street parking facilities on the subject property is adequate for the proposed use.
- c. The use proposed is compatible with others in the area.
- d. Building and driveway orientation is appropriate to minimize noise and traffic impacts on nearby residential areas with incorporation of the conditions below.
- e. The business operations will not result in adverse noise, odor, dust or vibration environmental impacts.
- f. The proposed use will not result in an adverse impact on the City's infrastructure and/or services.
- g. The proposed business will not be materially detrimental to property or improvements in the vicinity and zone.
- h. The proposed business will be consistent with the General Plan and Zone Code because the C-3 zone permits motor vehicle sales uses.
- i. The C-3 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 and appropriate for Pacific Coast Highway pursuant to Section 17.26.020 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**:

- 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 site plan shall be submitted incorporating the following revisions .**
 - a. Required parking spaces, with all dimensions shown (including turning radius), and vehicle storage and display areas shall be clearly noted.**
 - b. A "No Left Turn" sign shall be posted at the Ninth Street driveway exit to reduce possible nuisance in residential neighborhoods to the east.**
- 3. The parking areas shall be striped as per approved plans.**
- 4. 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.**
- 5. Use of customer/employee designated parking spaces for displaying or storing of vehicles for sale shall be prohibited.**
- 6. Public right-of-way shall not be used for the parking or storing of vehicles that are intended for sale.**

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- 7. Storage of trucks, tractors, trailers and RV's in the parking and vehicle display areas 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.
- 8. Parking or stopping on the public rights-of-way for the delivery of vehicles to the subject property shall be prohibited.
- 9. A revised landscaping plan shall be submitted indicating size, type, and quantity of plant materials to be planted for review and approval by the Community Development Director. An automatic landscape sprinkler system shall be provided, and shall be shown on the landscaping plan. (building permits are required)
- 10. All landscaping and signs shall comply with corner vision clearance requirements of the Public Works Department.
- 11. Repair, service or maintenance of vehicles or testing of alarms on vehicles shall be prohibited. Washing of vehicles is permissible, however, the use of non-biodegradable soaps and solvents is prohibited. Washing of vehicles shall not be permitted on the public right-of-way. Washing of vehicles shall also be consistent with the requirements of the City's water quality ordinance, Chapter 8.44 of the Hermosa Beach Municipal Code.
- 12. The operating hours for the motor vehicle sales business shall be limited to between 8:00 A.M. and 9:00 P.M. daily.
- 13. There shall be no outside bells, buzzers, public announcement system, or similar apparatus. Outside speakers audible beyond the property lines shall be prohibited.
- 14. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance, Chapter 8.24 of the Hermosa Beach Municipal Code, 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. The applicant is responsible for all off-site right-of-way construction required by the Public Works Department.
- 18. The project shall comply with the requirements of the Fire Department.

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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.

21. The Conditional Use Permit shall become null and void if not executed within two years of the date of the approval of this Resolution.

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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