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P.C. RESOLUTION 04-9

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, TO APPROVE A REQUEST FOR A PRECISE
DEVELOPMENT PLAN AND PARKING PLAN FOR THE CONSTRUCTION OF A
2,803 SQUARE FOOT RETAIL COMMERCIAL BUILDING, AND TO ALLOW THE
PAYMENT OF FEES IN-LIEU OF PARKING FOR FIVE (5) REQUIRED PARKING
SPACES AT 238 PIER AVENUE LEGALLY DESCRIBED AS LOT 19, BLOCK 48,
FIRST ADDITION TO HERMOSA BEACH**

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

Section 1. An application was filed by Jeff Stoner, owner of property at 238 Pier Avenue, seeking approval of a Precise Development Plan for the construction of a retail commercial building and a Parking Plan to provide required parking through the payment of in-lieu fees and/or with tandem parking.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Precise Development Plan, and Parking Plan on February 17, 2004, and considered testimony and evidence both written and oral. Based on the testimony and evidence received the Planning Commission makes the following factual findings:

1. The applicant proposes to demolish the existing building and to construct a new three level commercial building containing 2,803 square feet of floor area with parking on the ground floor.

2. The proposed project involves the construction of a three level 30-foot high retail commercial building in a craftsman/bungalow style similar to the existing building. The floor plan includes parking on the ground floor accessed from the alley; with the bulk of the square footage on the first floor; and a mezzanine level accounting for 675 square feet.

3. Pursuant to Chapter 17.58 a Precise Development Plan is required for the proposed new construction.

4. A Parking Plan is required pursuant to Section 17.44.210 as the applicant proposes to meet parking requirements through a combination of providing parking in tandem and the use of parking in-lieu fees.

Section 3. Based on the foregoing factual findings the Planning Commission makes the following findings pertaining to the application for a Precise Development Plan.

1. The project meets the basic zoning requirement of the C-2 zone, as a 5-foot setback is provided adjacent to the residential property to the south, and the building is designed to comply with the 30-foot height limit (subject to verification). Beyond these basic standards, the project plans show a substantial improvement to a very old and under-utilized building, in an attempt to revitalize a prominent

1 location in the City's downtown. The architectural features of the proposed new building are consistent
2 with the existing style of architecture. Retail commercial use of this type is compatible with surrounding
3 uses, and consistent with the general objectives of the City Council to balance the existing predominance
4 of restaurant and bar uses with retail uses.

5 2. The general criteria of Hermosa Beach Municipal Code Section 17.58.030 for granting or
6 conditionally granting a Precise Development Plan have been considered. In making this finding, the
7 Planning Commission has determined that:

- 8 a. The proximity of the project to existing residential uses will not result in negative effects, as the
9 project involves the replacement of an existing commercial building in the downtown district.
- 10 b. The amount of existing and proposed off-street parking, with the payment of in-lieu fees, will be
11 sufficient and complies with the requirements of the Zoning Ordinance.
- 12 c. The proposed continued use of the property for commercial purposes is compatible with the
13 area.
- 14 d. The capacity and safety of the streets serving the area is adequate for the traffic volume
15 estimated to be generated by the project.
- 16 e. The proposed exterior signs and decor are sufficiently compatible with existing establishments in
17 the area.
- 18 f. Building and driveway orientation is appropriate to minimize noise and traffic impacts on nearby
19 residential areas.
- 20 g. The project will not result in adverse noise, odor, dust or vibration environmental impacts.
- 21 h. The proposed use will not result in an adverse impact on the City's infrastructure and/or
22 services.

23 3. The criteria of Hermosa Beach Municipal Code Section 17.58.030(C) for denial of a Precise
24 Development Plan are not applicable. In making this finding, the Planning Commission has determined
25 that:

- 26 a. The project will not substantially depreciate property values in the vicinity, or interfere with the
27 use or enjoyment of property in such area, because of excessive dissimilarity or
28 inappropriateness of design in relation to the surrounding vicinity.
- 29 b. The project will not have significant environmental adverse impacts

Section 4. Based on the foregoing factual findings, and the findings for the Precise
Development Plan the Planning Commission makes the following findings pertaining to the application
for a Parking Plan.

1
2 1. Based on the parking ratio proposed for the downtown district of 3 spaces per 1,000 square
3 feet of office or retail space, the proposed 2,803 square foot building requires 9 parking spaces
4 pursuant to Section proposed 17.44.040, (as recommended by the Planning Commission, and
5 introduced by the City Council but pending final adoption), pertaining to parking requirements for the
6 downtown. The applicant is proposing 8 spaces in tandem, and is requesting consideration that all of
7 these spaces be counted towards the requirement pursuant to Section 17.44.210, Parking Plans, which
8 allows for Commission consideration of reduced parking requirements. Further, the applicant is
9 requesting to pay a fee in-lieu of parking for the last required space pursuant to the new Section
10 17.44.040 for projects in the downtown district.

11
12 2. The Commission finds that the proposal to use tandem parking for the proposed square
13 footage for retail use is not an acceptable or appropriate alternative, and therefore finds that in order to
14 approve the project parking in-lieu fees must be provided for the required parking not provided on-site
15 in a manner consistent with the parking requirements.

16 Section 5. Based on the foregoing, the Planning Commission hereby approves the subject
17 Precise Development Plan and Parking Plan subject to the following **conditions of approval.**

- 18 **1. The development and continued use of the property shall be in conformance with**
19 **submitted plans reviewed by the Planning Commission at their meeting of February 17,**
20 **2004, incorporating all revisions as required by the conditions below. Minor**
21 **modifications to the plan shall be reviewed and may be approved by the Community**
22 **Development Director.**
- 23 **2. The Parking Plan shall only become effective if the City Council adopts Text**
24 **Amendment 03-1, which reduces the required parking for retail and office uses in the**
25 **downtown district to 3 spaces per 1,000 square feet.**
- 26 **3. The applicant shall pay parking in-lieu fees for the number of required spaces deficient**
27 **with no acceptance of tandem parking spaces as required spaces. Based on submitted**
28 **plans, the applicant is required to pay parking lieu fees for five (5) parking spaces.**
29 **Said payment shall be made prior to issuance of any certificate of occupancy for the**
30 **building.**
- 31 **4. A revised roof plan shall be submitted to demonstrate compliance with the maximum**
32 **building height of 30-feet. The plans shall clearly show property lines, property corner**
33 **elevations, and maximum height critical points on the roof plan. The roof plan shall**
34 **clearly delineate all roof-top equipment and structures to verify compliance with**
35 **Section 17.46.010, and to effectively hide or screen visibility of the roof-top equipment**
36 **from public view.**
- 37 **5. Architectural treatment of the building shall be as shown on building elevations and**
38 **site and floor plans. Any minor modification shall require approval by the Community**
39 **Development Director.**

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- a) **The elevations shall include decorative wall and window treatment as shown on the submitted plans.**

- 6. Occupancy of the building shall be limited to retail commercial uses and general or medical office uses which are subject to parking requirements of 3 spaces per 1,000 square feet of floor area.**

- 7. The project shall comply with the requirements of the Fire Department and the Public Works Departments. Public Works Department requirements may include new street pavement to centerline of street, curb, gutter and sidewalk along property frontage, under grounding of overhead utilities, and new sewer lateral.**

- 8. 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.**

- 9. All exterior lights shall be located and oriented in a manner to insure that neighboring residential property and public right-of-way shall not be adversely affected.**

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

- 11. Upon issuance of building permits the project shall proceed in compliance with the scope of work outlined on the plans and any further demolition or construction contrary to said plans will result in project delays in order for the City to review project modifications, and may require new plan submittals and Planning Commission review to proceed with construction work.**

- 12. Prior to issuance of building permits for demolition and construction, the contractor shall verify the structural integrity of the proposed walls to be retained with a structural inspection approved by the Community Development Director, with details incorporated on construction drawings. This may require further additional structural pest inspections and/or an inspection by a structural engineer.**

- 13. The Precise Development Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department.**

- 14. Each of the above Conditions of Approval 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.**

- 15. 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,**

1 officers, or employee to attack, set aside, void or annul this permit approval, which
2 action is brought within the applicable time period of the State Government Code. The
3 City shall promptly notify the permittee of any claim, action, or proceeding and the
4 City shall cooperate fully in the defense. If the City fails to promptly notify the
5 permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the
6 defense, the permittee shall no thereafter be responsible to defend, indemnify, or hold
7 harmless the City.

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

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

23
24 Section 7. This grant shall not be effective for any purposes until the permittee and the owners
25 of the property involved have filed at the office of the Planning Division of the Community Development
26 Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of
27 this grant.

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29 Section 8. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the
30 decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90
31 days after the final decision by the City Council.

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VOTE: AYES: Hoffman, Kersenboom, Pizer
NOES: Allen, Perrotti
ABSENT: None
ABSTAIN: None

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I hereby certify the foregoing Resolution P.C. No. 04-9 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 17, 2004.

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