

**P.C. RESOLUTION 04-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
HERMOSA BEACH, CALIFORNIA, TO APPROVE A REQUEST FOR A PRECISE  
DEVELOPMENT PLAN FOR THE REMODELLING OF AN EXISTING  
COMMERCIAL BUILDING AT 338 AND 400 PIER AVENUE LEGALLY  
DESCRIBED AS LOTS 1 AND 2, TRACT 1851, AND LOTS 1 AND 2, BLOCK 1,  
HISS SECOND 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 Albert Marco, owner of property at 338 and 400 Pier Avenue, seeking approval of a Precise Development Plan for the remodeling of an existing commercial building.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Precise Development Plan September 21, 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 remodel the existing two story commercial building that has 5,152 square feet of commercial space and 424 square feet of garage on the first story with an existing nonconforming apartment above on the second story. No additional square footage is proposed for the building.

2. The proposed project involves the removal of all the interior improvements in place for the former mortuary use, adding two new handicapped accessible bathrooms, and opening up the floor plan for general commercial office use. The project also involves removing the existing exterior stair access to the second story apartment, and providing interior stair access instead.

3. Pursuant to Chapter 17.58 a Precise Development Plan is required for any remodels or additions of more than 1,500 square feet in any zone.

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 requirements of the C-2 zone. The project plans show a substantial improvement to a very old and under-utilized building, in an attempt to revitalize a prominent location in the City's downtown. Office/retail commercial use of this type is certainly compatible with surrounding uses, and consistent with the general objectives of the City Council to balance the existing predominance of restaurant and bar uses with retail and office uses in the downtown area.

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

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

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

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

Section 4. Based on the foregoing, the Planning Commission hereby approves the subject Precise Development Plan subject to the following **conditions of approval**.

- 1. The development and continued use of the property shall be in conformance with submitted plans reviewed by the Planning Commission at their meeting of September 21, 2004. Minor modifications to the plan shall be reviewed and may be approved by the Community Development Director.**
- 2. 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.**

- 1       **3. The project shall comply with the requirements of the Fire Department and the Public**  
2       **Works Departments. Public Works Department requirements may include new**  
3       **street pavement to centerline of street, curb, gutter and sidewalk along property**  
4       **frontage, under grounding of overhead utilities, and new sewer lateral.**
- 5       **4. Final building plans/construction drawings including site, elevation, floor plan,**  
6       **sections, details, signage, landscaping and irrigation, submitted for building permit**  
7       **issuance shall be reviewed for consistency with the plans approved by the Planning**  
8       **Commission and the conditions of this resolution, and approved by the Community**  
9       **Development Director prior to the issuance of any Building Permit.**
- 10       **5. All exterior lights shall be located and oriented in a manner to insure that**  
11       **neighboring residential property and public right-of-way shall not be adversely**  
12       **affected.**
- 13       **6. The project and operation of the business shall comply with all applicable**  
14       **requirements of the Municipal Code.**
- 15       **7. Upon issuance of building permits the project shall proceed in compliance with the**  
16       **scope of work outlined on the plans and any further demolition or construction**  
17       **contrary to said plans will result in project delays in order for the City to review**  
18       **project modifications, and may require new plan submittals and Planning**  
19       **Commission review to proceed with construction work.**
- 20       **8. Prior to issuance of building permits for demolition and construction, the contractor**  
21       **shall verify the structural integrity of the proposed walls to be retained with a**  
22       **structural inspection approved by the Community Development Director, with**  
23       **details incorporated on construction drawings. This may require further additional**  
24       **structural pest inspections and/or an inspection by a structural engineer.**
- 25       **9. The Precise Development Plan shall be recorded, and proof of recordation shall be**  
26       **submitted to the Community Development Department.**
- 27       **10. Each of the above Conditions of Approval is separately enforced, and if one of the**  
28       **Conditions of Approval is found to be invalid by a court of law, all the other**  
29       **conditions shall remain valid and enforceable.**
- 30       **11. Permittee shall defend, indemnify and hold harmless the City, it agents, officers,**  
31       **and employees from any claim, action, or proceeding against the City or its agents,**  
32       **officers, or employee to attack, set aside, void or annul this permit approval, which**  
33       **action is brought within the applicable time period of the State Government Code.**  
34       **The City shall promptly notify the permittee of any claim, action, or proceeding and**  
35       **the City shall cooperate fully in the defense. If the City fails to promptly notify the**  
36       **permittee of any claim, action or proceeding, or if the City fails to cooperate fully in**  
37       **the defense, the permittee shall no thereafter be responsible to defend, indemnify, or**  
38       **hold harmless the City.**

12. 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.

13. 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.

Section 5. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at 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.

Section 6. 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:  
ABSENT:  
ABSTAIN:

I hereby certify the foregoing Resolution P.C. No. 04- 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 September 21, 2004.

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Sam Perrotti, Chairman

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Sol Blumenfeld, Secretary

September 21, 2004  
Date

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