

P.C. RESOLUTION NO. 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN TO ALLOW MOTOR VEHICLE SALES AND SERVICE AT 2775 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS A PORTION OF LOT A, TRACT 1594.

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

Section 1. An application was filed by Hitchcock Automotive Group seeking approval of a Conditional Use Permit and Precise Development Plan to allow motor vehicle sales and service including the construction of a new sales showroom at 2775 Pacific Coast Highway.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit and Precise Development Plan on January 18, 2005, 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 new automobiles and conduct motor vehicle repair and service at the subject location, which requires a Conditional Use Permit pursuant to Chapter 17.26 of the Zoning Ordinance, and to construct and new sales showroom, which requires a Precise Development Plan.
2. The subject property is located on the west side of Pacific Coast Highway in the middle of the block between Artesia Boulevard and 30th Street.
3. The existing vacated buildings and site, have previously been used for auto sale and, and the proposed alterations and improvements to the site including regrading and resurfacing the parking area, the construction of a new building as for the sales offices and showroom, and a minor alteration/expansion to the existing building containing service bays for auto repair
4. The subject property is designated General Commercial on the General Plan, and zoned C-3, and previously was used for auto sales and repair.

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, and the general of the Municipal Code Section 17.58.030 for

1 granting a Precise Development Plan have been considered. In making this
2 finding, the Planning Commission has determined that:

- 3 a. The proximity of the business to existing residential uses to the west will not
4 result in negative effects with incorporation of the conditions below.
- 5 b. The amount of existing off-street parking facilities on the subject property is
6 adequate for the proposed use.
- 7 c. The use proposed is compatible with others in the area.
- 8 d. Building and driveway orientation is appropriate to minimize noise and traffic
9 impacts on nearby residential areas with incorporation of the conditions below.
- 10 e. The business operations will not result in adverse noise, odor, dust or vibration
11 environmental impacts.
- 12 f. The proposed use will not result in an adverse impact on the City's infrastructure
13 and/or services.
- 14 g. The proposed business will not be materially detrimental to property or
15 improvements in the vicinity and zone.
- 16 h. The proposed business will be consistent with the General Plan and Zone Code
17 because the C-3 zone permits motor vehicle sales and repair uses subject to a
18 Conditional Use Permit.
- 19 i. The C-3 zone, in which the proposed project is located, is intended to provide
20 opportunities for the full range of office, retail and service businesses deemed
21 suitable for the City and appropriate for Pacific Coast Highway pursuant to
22 Section 17.26.020 of the Zone Code.

- 23 2. This project is Categorical Exempt pursuant to 15301, Class 1 of the California
24 Environmental Quality Act Guidelines alterations to existing facilities.

25 Section 4. Based on the foregoing, the Planning Commission hereby approves the
26 subject Conditional Use Permit subject to the following **Conditions of Approval**:

- 27 **1. The development and continued use of the property shall be in conformance
28 with submitted plans as reviewed by the Planning Commission at their
29 meeting of January 18, 2005. A phase 1 or interim site plan shall be
submitted showing the parking layout, and restriping of the site to provide
required customer/employee parking, and vehicle display areas, and shall be
implemented prior to establishing the interim use.**
- 2. The primary entry and exit to the site shall be at Pacific Coast Highway, and
shall be maintained clear for two-way ingress and egress at all times.**
- 3. The gated access to the service alley shall be controlled to prevent use of the
service alley for customers or test-driving. The use of the gate shall be for
exiting vehicles only, limited to employees and service personnel, and as
necessary for delivery vehicle or tow trucks to exit the site.**
- 4. A new 10' height decorative block wall shall be constructed along the
easterly property line and a solid rolling gate in only one of the existing gate
openings installed to help attenuate noise for residential properties to the
west.**

- 1 **5. A five-foot wide landscaping strip shall be provided and maintained along**
2 **the P.C.H. frontage, pursuant to submitted landscape plans.**
- 3 **6. All vehicle service shall be conducted inside the building containing the service**
4 **bays. Outdoor work on vehicles is prohibited.**
- 5 **7. Display of vehicles for sale shall not reduce or otherwise affect access to the**
6 **customer parking identified on the plans, and shall be limited to the designated**
7 **area within the vehicle showroom, and on the site.**
- 8 **8. Use of customer/employee designated parking spaces for displaying or storing**
9 **of vehicles for sale shall be prohibited.**
- 10 **9. Public right-of-way shall not be used for the parking or storing of vehicles that**
11 **are intended for sale.**
- 12 **10. Storage of trucks, tractors, trailers and RV's in the parking and vehicle display**
13 **areas or any other location on the premises shall be prohibited.**
- 14 **11. Parking or stopping on the service alley for the delivery of vehicles to the site**
15 **shall be prohibited. Deliveries shall occur on the premises, or in the case of**
16 **large delivery trucks, along the curb within the P.C.H. right-of-way.**
- 17 **12. The operating hours of the vehicle sales business shall be limited to between**
18 **8:00 A.M. and 9:00 P.M. Monday through Friday and 10:00 A.M. and 9:00**
19 **P.M. Saturday and Sunday. The operating hours for the repair portion of**
20 **the business located in the service bays shall be limited to between 8:00 A.M.**
21 **and 7:00 P.M. Monday through Friday and 10:00 A.M. and 7:00 P.M.**
22 **Saturday and Sunday.**
- 23 **13. There shall be no outside bells, buzzers, speakers, public announcement**
24 **system, or similar apparatus.**
- 25 **14. No outdoor storage of derelict vehicles, auto parts, or other materials. All**
26 **parking areas shall be maintained free and clear of unregistered or derelict**
27 **vehicles, parts or other materials at all times.**
- 28 **15. Any new signs will require the submittal and approval of a comprehensive sign**
29 **program for all the buildings on the property.**
- 16. 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.
- 17. 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.
- 18. The exterior of all the premises shall be maintained in a neat and clean**
 manner, and maintained free of graffiti at all times.

- 1 **19. The landscaped planter along Pacific Coast Highway shall be planted with**
2 **appropriate shrubs and accent plants to the satisfaction of the Community**
3 **Development Director.**
- 4 **20. A detailed drainage and Stormwater Pollution Prevention Plan is required**
5 **for approval by the Public Works Department, and implemented on site,**
6 **demonstrating that on-site drainage will be eliminated through a filtering**
7 **system with final specification subject to approval by the Public Works**
8 **Department.**
- 9 **21. The applicant is responsible for all off-site right-of-way construction**
10 **required by the Public Works Department.**
- 11 **22. The project shall comply with the requirements of the Fire Department.**
- 12 **23. Final building plans/construction drawings including site, elevation, floor**
13 **plan, sections, details, signage, landscaping and irrigation, submitted for**
14 **building permit issuance shall be reviewed for consistency with the plans**
15 **approved by the Planning Commission and the conditions of this resolution,**
16 **and approved by the Community Development Director prior to the issuance**
17 **of any Building Permit.**
- 18 **24. The project and operation of the business shall comply with all applicable**
19 **requirements of the Municipal Code.**
- 20 **25. The Conditional Use Permit shall become null and void if not executed within**
21 **two years of the date of the approval of this Resolution.**

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

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

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

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

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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.

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. 05- 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 January 18, 2005.

Sam Perrotti, Chairman

Sol Blumenfeld, Secretary

January 18, 2005
Date

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