

November 16, 2005

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

**Regular Meeting of  
December 7, 2005**

SUBJECTS: TEXT AMENDMENT TO PERMIT DISPLAY OF RETAIL MERCHANDISE  
ON PIER PLAZA

**Recommendation:**

To recommend the City Council adopt an ordinance adding a new sub-section in Chapter 12.12 and 12.16 and amending Section 17.26.050 of Chapter 17.26 of the Hermosa Beach Municipal Code for outdoor display of retail merchandise on Pier Plaza.

**Background:**

On May 10, 2005, the City Council reviewed the current outdoor dining regulations and directed staff to return with a resolution reflecting the City Council's changes including new regulations for retail sales on Pier Plaza. On August 9, 2005, the City Council approved Resolution No. 05-6418, adopting standards for the design and operation of outdoor retail sales display areas on Pier Plaza. On November 15, 2005, the Planning Commission considered the subject amendments and continued the matter in order to have staff investigate other methods for providing outdoor display of retail merchandise along Pier Plaza.

**Analysis:**

The retail sales/display standards have been prepared pursuant to City Council direction and apply exclusively to businesses along Pier Plaza. The ordinance amends encroachment regulations in Chapter 12.16 and outdoor sales from stands in Chapter 12.12 of the Municipal Code and amends outdoor sales regulations in Chapter 17.26 of the Zone Code. Currently permanent outdoor sales and displays are prohibited and the Zone Code must be amended to allow it. Section 17.26.040 permits only "temporary outdoor merchandise display and outside dining in conjunction with a temporary outdoor event such as a sidewalk sale, authorized by city council by special permit as set forth in Section 12.12.070. (Section 12.12.070 refers to placing wagons, stands in streets for purposes of sale or display of goods as part of a temporary sidewalk sale by special permit.) The Zone Code and encroachment regulations were amended in 1997 to allow outdoor dining on Pier Plaza without a conditional use permit and there must be a similar exception for retail sales and displays. Following amendment of the Zone Code and amendment to the encroachment regulations, an existing or new retail business may apply for a standard encroachment permit to conduct outdoor sales along Pier Plaza.

The Zone Code regulates commercial parking by gross floor area and the addition of retail floor space in the encroachment area is an expansion that must be calculated as required parking. The current downtown parking requirement is one space per 333 sq. ft with rounding up for any fractional amount greater than one-half and any amount less than one-half disregarded.<sup>1</sup> Thus, if a business uses no more than 166 sq. ft. of encroachment space, no additional parking is required. However, if more than 166 sq. ft. of the encroachment area is used, than the retail business is subject to parking requirements under Sections 17.44.020 (E) and 17.44.040 (D)&(E)and 17.44.210 Parking Plans. Staff proposes that encroachment retail displays not exceed 166 sq. ft. since there is no affect on required parking.<sup>2</sup>

At the November 15 meeting, the Planning Commission expressed concern that the draft retail standards did not prevent a business from displaying merchandise in a manner that could detract from



**P.C. RESOLUTION NO. 05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA,  
RECOMMENDING A TEXT AMENDMENT TO ALLOW OUTDOOR DISPLAY OF RETAIL MERCHANDISE  
ON PIER PLAZA**

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

Section 1. The Planning Commission held a duly noticed public hearing on December 7, 2005, to consider amending the Zoning Ordinance, Chapter 17.26, to allow outdoor display of merchandise on Pier Plaza.

Section 2. Based on the evidence considered at the public hearing, the Planning Commission makes the following findings:

1. The Zoning Ordinance, Section 17.26. currently does not permit outdoor merchandise display on or adjacent to commercially zoned property, and said display should be allowed along Pier Plaza.

Section 3. Based on the foregoing, the Planning Commission hereby recommends that the Hermosa Beach

Municipal Code. Title 17-Zoning, Section 17.26.050, be amended by amending paragraph B.4. thereof to read  
as follows:

“4. Temporary outdoor merchandise display and outside dining in conjunction with a temporary outdoor event such as a sidewalk sale, authorized by the City Council by special permit as set forth in Section 12.12.070, and outdoor merchandise display on Pier Plaza as allowed by Section 12.16.105”

VOTE:           AYES:  
                      NOES  
                      ABSTAIN  
                      ABSENT

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 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 December 7, 2005.

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Ron Pizer, Chaiman  
Secretary

Sol Blumenfeld,

\_\_\_\_\_Date