

**P.C. RESOLUTION NO. 06-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT AND PRECISE DEVELOPMENT PLAN TO ALLOW THE EXPANSION OF A MOTOR VEHICLE REPAIR BUSINESS (OCEAN SERVICE AND TIRES) AT 1017 AVIATION BOULEVARD AND LEGALLY DESCRIBED AS LOT 1 AND 2, BLOCK 2 G.G. ALLEN SUBDIVISION.**

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

Section 1. An application was filed by Ron Rosinsky, property owner and owner of Ocean Service and Tires seeking approval of a Conditional Use Permit Amendment and Precise Development Plan to allow the expansion of a motor vehicle repair business at 1017 Aviation Boulevard into adjacent property at 1001 Aviation Boulevard (aka 1208 Ocean Drive)

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 July 18, 2006, 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 proposes to demolish the existing nonconforming residence at 1001 Aviation Boulevard (AKA 1208 Ocean Drive), and remodel and expand the existing automotive repair and tire sales and installation business at 1017 Aviation Boulevard to include this property.
2. The project includes expanding the automotive service building by 1,250 square feet extending all the way to the west property line, including remodeling the existing portion of the building into a higher profile building to provide a mezzanine level storage area for tires and tools, and site alterations involving new paving, grading, landscaping, and re-striping the existing parking area. The project will increase the number of service bays from 3 to 7, and increase on-site surface parking to 8 spaces. The project requires a Conditional Use Permit pursuant to Chapter 17.26 of the Zoning Ordinance, and a Precise Development Plan, pursuant to Section 17.58 of the Zoning Ordinance.
3. The subject properties are located on the north side of Aviation Boulevard between Ocean Drive and Bonnie Brae Street.
4. The subject properties are designated General Commercial on the General Plan, and zoned C-3, General Commercial, and project will eliminate the nonconforming resident use at 1001 Aviation and replace it with a commercial use which is consistent the General Plan and Zoning designations for the property.

1        Section 3. Based on the foregoing factual findings the Planning Commission makes  
2 the following findings pertaining to the application for a Conditional Use Permit and Precise  
3 Development Plan:

- 4        1. The general criteria of Hermosa Beach Municipal Code Section 17.40.020 for  
5 granting or conditionally granting a Conditional Use Permit in the C-3 zone have  
6 been considered, and the general criteria of the Municipal Code Section 17.58.030  
7 for granting a Precise Development Plan have been considered. In making this  
8 finding, the Planning Commission has determined that:
- 9        a. The proximity of the business to existing residential uses to the north will not  
10 result in negative effects with incorporation of the conditions below.
  - 11        b. The amount of existing off-street parking facilities on the subject property is  
12 adequate for the proposed use.
  - 13        c. The use proposed is compatible with others in the area.
  - 14        d. Building and driveway orientation is appropriate to minimize noise and traffic  
15 impacts on nearby residential areas with incorporation of the conditions below.
  - 16        e. The business operations will not result in adverse noise, odor, dust or vibration  
17 environmental impacts with the incorporation of the conditions below.
  - 18        f. The proposed use will not result in an adverse impact on the City's infrastructure  
19 and/or services.
  - 20        g. The proposed business will not be materially detrimental to property or  
21 improvements in the vicinity and zone.
  - 22        h. The proposed business will be consistent with the General Plan and Zone Code  
23 because the C-3 zone permits motor vehicle sales and repair uses subject to a  
24 Conditional Use Permit.
  - 25        i. The C-3 zone, in which the proposed project is located, is intended to provide  
26 opportunities for the full range of office, retail and service businesses deemed  
27 suitable for the City and appropriate for Aviation Boulevard pursuant to Section  
28 17.26.020 of the Zone Code.
- 29        2. The Planning Commission concurs with the Staff Environmental Review Committee's  
30 recommendation, based on their Environmental Assessment/Initial Study, that this  
31 project will result in a less than significant impact on the environment, and therefore  
32 qualifies for a Negative Declaration.

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

- 35        1. **The development and continued use of the property shall be in conformance**  
36 **with submitted plans as reviewed by the Planning Commission at their**  
37 **meeting of July 18, 2006, revised in accordance with the following:**
- 38        a). **Decorative block, such as split face block shall be used for the exterior**  
39 **of the building.**
  - 40        b) **The applicant shall work with staff to enhance the architectural**  
41 **appearance at the roof line, with the use of eaves or banding, and the**  
42 **building façade with a decorative trellis or other feature over the**  
43 **service bay entries**
  - 44        c) **Decorative wrought iron fencing shall be used at the top of the sloping**  
45 **landscaped area in the front of the parking area**

2. Prior to the issuance of building permits the properties that comprise the subject property shall be merged into one legal parcel.
3. A new minimum 8' height decorative block wall shall be constructed along the northerly property line.
4. A five-foot wide landscaping strip pursuant to Section 17.26 shall be planed and maintained along the northerly property line, and shall be planted with trees 10-feet on center, with a final detailed landscape plan to reviewed and approved by the Community Development Director. The landscaped area along Aviation Boulevard shall be planted with appropriate shrubs and accent plants consistent with the conceptual landscape plan, to the satisfaction of the Community Development Director, and a detailed landscaped plan shall be submitted for review and approval.
5. The hours of operation shall be limited to between 8:00 A.M. and 6:00 P.M. Monday through Saturday and 9:00 A.M. and 6:00 P.M. on Sundays
6. The existing pole sign shall be removed and if replaced with a free-standing it shall be limited to a monument sign, maximum 8-foot height with a decorative base.
7. The public right-of-way shall not be used for the parking or storage of vehicles that are intended for service or serviced vehicles waiting for pick-up.
8. All vehicle service shall be conducted inside the building containing the service bays. Outdoor work on vehicles is prohibited. Minor examination of operable vehicles for the purpose of estimates not lasting more than 15-minutes is allowable)
9. Use of customer/employee designated parking spaces for storing of vehicles for sale shall be prohibited.
10. Storage of vehicles, including trucks, tractors, trailers, RV's and automobiles in the parking areas or any other location on the premises shall be prohibited, except vehicles waiting for services or pick-up may be stored for a maximum of 72 hours.
11. There shall be no outside bells, buzzers, speakers, public announcement system, or similar apparatus.
12. Outdoor storage of derelict vehicles, auto parts, or other materials is prohibited. All parking areas shall be maintained free and clear of unregistered or derelict vehicles, parts or other materials at all times.
13. 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.
14. The air compressor and other other mechanical equipment shall be located within an enclosed area of the building or separate enclosure and adequately sound proofed to meet the terms of the City's noise ordinance.

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. Storage and disposal of hazardous waste materials shall be in accordance with the requirements of the Fire Department, and any other local, state or federal laws, and in no event shall such waste material be allowed to drain into the storm drain system. Any temporary storage of hazardous materials shall be within the building or a separate enclosure (not in the required rear setback area) and shall include a secondary containment system to prevent spills from entering into the storm drains.
18. A detailed drainage and Stormwater Pollution Prevention Plan is required for approval by the Public Works Department, and implemented on site, demonstrating that on-site drainage will be diverted to a filtering system with final specification subject to approval by the Public Works Department.
19. The applicant is responsible for all off-site right-of-way construction required by the Public Works Department.
20. The project shall comply with the requirements of the Fire Department.
21. 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.
22. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
23. The Precise Development Plan 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 and Precise Development Plan 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.

1 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and  
2 employees from any claim, action, or proceeding against the City or its agents, officers, or  
3 employee to attack, set aside, void or annul this permit approval, which action is brought  
4 within the applicable time period of the State Government Code. The City shall promptly  
5 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.

6 The permittee shall reimburse the City for any court and attorney's fees which the City may  
7 be required to pay as a result of any claim or action brought against the City because of this  
8 grant. Although the permittee is the real party in interest in an action, the City may, at its  
9 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.

10 The subject property shall be developed, maintained and operated in full compliance with the  
11 conditions of this grant and any law, statute, ordinance or other regulation applicable to any  
12 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.

13 The Planning Commission may review this Conditional Use Permit and may amend the  
14 subject conditions or impose any new conditions if deemed necessary to mitigate detrimental  
effects on the neighborhood resulting from the subject use.

15 Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision  
16 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.

17 VOTE: AYES:  
18 NOES:  
19 ABSTAIN:  
ABSENT:

#### 20 CERTIFICATION

21 I hereby certify the foregoing Resolution P.C. No. 06- is a true and complete record of  
22 the action taken by the Planning Commission of the City of Hermosa Beach, California at  
23 their regular meeting of July 18, 2006.

24 \_\_\_\_\_  
25 Peter Hoffman

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Sol Blumenfeld, Secretary

26 July 18, 2006

27 Date

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