

August 7, 2006

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

**Regular Meeting of
August 15, 2006**

SUBJECT: CONTINUED FROM THE JUNE 20 AND JULY 18, 2006 MEETING

CONDITIONAL USE PERMIT REVIEW AND MODIFICATION- P.C. RESOLUTION NO. 91-75
GERMAN MOTORS AND ASENKA'S AUTO CENTER, AND ONE OFFICE, LES FRAME,
725 5th STREET (AKA 715 5th STREET APN #4188-030-001) HERMOSA BEACH, CA 90254.

Recommendation

Direct staff to return with a resolution for consideration at the next Planning Commission meeting.

Background

LOT SIZE 16,218 (150 x 108.12)

ZONING: SPA-7

GENERAL PLAN: General Commercial

P.C. Resolution 91-75 was approved by the Commission on December 4, 1991, and authorized the operation of automobile repair for three businesses on the lot, German Motors owned by Andy Fisher, Asenkas Auto Centre, owned by Asenka Nitzow, and Les Frame, owned by Clinton Lau. The CUP contains standard conditions of approval for auto repair businesses that were applied to such businesses at that time. The site also contains offices for the subject businesses.

Staff initiated the subject CUP amendment based upon review of site conditions and business operations in connection with complaints from an area resident. The complaints involved:

1. Parking places on the lot not properly striped and marked.
2. 5th Street being used for parking and vehicle storage.
3. No on-site parking for employees.
4. Open past 6:00 p.m.
5. Autos being serviced in lot for longer than 15 minutes.
6. Vehicles being stored past the 72-hour limit.
7. Display of unpermitted banners.

Staff conducted an investigation of the complaints and is in general agreement with the complainant. However, in staff's opinion, some of the existing conditions are unreasonable for successful operation of the business and one condition cannot lawfully be enforced.

Analysis

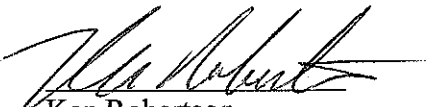
The Community Development Department has responded to complaints of CUP violations by monitoring activities at the site for over ten weeks. Photo documentation, interviews with the complainant and business owners and a survey of street parking was conducted to address the complainant concerns. Code Enforcement has been photographing street and lot parking twice a week from April 10, 2006 until June 8, 2006, a total of eighteen times. These records show that, at any given time, an average of eight vehicles are stored on the lot beyond the 72 hour restriction, verifying the account of the complainant.

Code Enforcement staff also attempted to verify the complaint of work beyond approved operating hours and visited the property six times after 6:00 p.m. since April 10, 2006 and found one violation of the hours of operation restriction. (See Attached Code Enforcement History.)

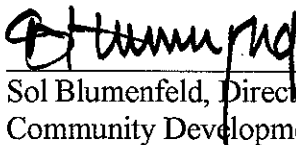
The business owners have generally been cooperative in correcting conditions after being informed of violations. In general, the site is neat and well tended for an auto repair business and the operations do not seem to currently have an area-wide impact on the neighborhood. The business owners have expressed concerns that the 72-hour limit on vehicles remaining on the lot is unreasonable, as some of their repairs involve major work such as engine and transmission rebuilding. Based upon discussion with the business owner (see attached correspondence) the owner believes that a maximum 90 day limit is reasonable. A review regarding other existing auto repair CUP's shows a broad variations from 72 hours to no limitation on the duration of repairs. The owners have also expressed a desire to obtain permission to continue to wash and detail their clients' vehicles on the lot, since this work is outsourced and can more conveniently be done on the parking lot rather than in a building. Neither of these business operations seems to contribute to noise or nuisance in the area. Staff will continue to monitor the business to ensure CUP compliance and recommends several changes to make enforcement reasonable while addressing residential area concerns.

Proposed CUP Amendments:

1. Eliminate provision against test-driving on local streets, as the City Attorney has determined that this condition is not legal.
2. Remove the 72-hour limit on vehicle storage on the lot, as it is an unreasonable restriction considering the normal time for major repairs and establish a maximum 90 day limit.
3. Allow vehicle washing and detailing to be conducted on the lot, if the owners can demonstrate proper control of water run-off and compliance with the City's Water Quality Ordinance.
4. Commence with ticketing for CUP violations related to on-street parking by the businesses (Based on intermittent parking surveys to be conducted by code enforcement staff.)¹
5. Schedule six month Planning Commission review to confirm CUP compliance.


Ken Robertson
Senior Planner

CONCUR:


Sol Blumenfeld, Director
Community Development

Attachments

1. P. C. Resolution 91-75
2. Photos, Enforcement Logs
3. Complainant letters & photos
4. Code Enforcement History

Notes:

1. An Administrative Penalties Program is under consideration for code enforcement citations.

P:GermanMotorCUP

CUP RESTRICTIONS ON LENGTH OF TIME
VEHICLES MAY BE STORED ON SITE

July 5, 2006 – Bob Rollins

1. Reso #01-6117, For 555 Pacific Coast Hwy. Auto Repair – Item #3, “Vehicle storage for more than 90 days consecutively shall be prohibited.” Repair hours are 7 am till 9 pm M-F and 8 am till 5 pm on Sat.
2. Reso #93-22, For 26 Pacific Coast Hwy. Auto Dealership – Item #5, “except vehicles waiting for pick-up may be stored for a maximum of 72 hours”. Repair hours are from 7 am till 7 pm.
3. Reso #93-58, For 201 Pacific Coast Hwy. – Auto Dealership – No restriction on length of time for storage, repair hours are 7:00 am till 7:30 pm.
4. Reso #91-33, For 210 Pacific Coast Hwy. – Auto repairs and sales – Item #17, “except vehicles waiting for pick-up may be stored for a maximum of 72 hours. Vehicles being stored for “lien sales” may be stored for a maximum of 60 days if registered and properly covered.” Hours for repair are 7 am to 6 pm M-F, and 9 am to 6 pm on Sat & Sun. Car sales can stay open until 10 pm.
5. Reso #97-9 (Not Executed) For 303 Pacific Coast Hwy. – Auto repair, no restrictions on length of time or on hours of operation.
6. Reso #91-72 (Not Executed) For 305-307 Pacific Coast Hwy. Auto sales and service – Item #10 “except vehicles waiting for pick-up may be stored for a maximum of 72 hours”. Hours of operation are 7 am to 10 pm.
7. Reso #93-4, For 421 Pacific Coast Hwy. Auto repairs – Item #6, “except vehicles waiting for pick-up may be stored for a maximum of 72 hours”. Hours are 7 am to 7 pm Mon – Sat, 8 am – 5 pm Sundays.
8. Reso #03-29, For 422 Pacific Coast Hwy. Motorcycle repairs – Contains no regulation regarding the length of storage. Hours are 8 am to 9 pm Mon – Sat.
9. Reso #04-36, For 600 Pacific Coast Hwy. - Auto repair and sales – No regulation regarding length of storage – abandoned or derelict vehicles prohibited. Hours are 8 am to 9 pm Mon – Sat, 10 am to 9 pm Sunday.
10. Reso #92-68, For 619 Pacific Coast Hwy. – Auto repair - “except vehicles waiting for service or pick-up may be stored for a maximum of 24 hours”. No hours of operation are specified.
11. Reso #93-20, For 640 Pacific Coast Hwy. – Auto audio and alarm installation. Storage of vehicles is prohibited. Hours are 8 am to 6 pm Mon – Sat, 10 am to 5 pm on Sunday.

12. Reso #154-1015, For 700 Pacific Coast Hwy. – Auto sales & service. No restrictions on storage, hours are 8 am to 9 pm.
13. Reso #91-63, For 825 Pacific Coast Hwy. – Auto sales & service. “except vehicles waiting for pick-up may be stored for a maximum of 72 hours”. Hours are 8 am to 6 pm Mon – Sat.
14. Reso #95-4, For 828 Pacific Coast Hwy. – Motorcycle sales and service. Storage is prohibited, no hours are specified.
15. Reso #94-7, For 840 Pacific Coast Hwy. – Auto sales and service. No storage of vehicles, no unregistered or derelict vehicles. Service hours are 7 am to 7:30 pm.
16. Reso #95-7, For 845 Pacific Coast Hwy. – Auto upholstery. “except vehicles waiting for pick-up may be stored for a maximum of 24 hours”. No hours are specified.
17. Reso #03-28, For 900 Pacific Coast Hwy. Motor vehicle sales. Storage of trucks, tractors, & RV’s prohibited. Hours are 8 am to 9 pm Mon – Sat, 10 am to 9 pm Sunday.
18. Reso #91-34, For 1402 Pacific Coast Hwy. Auto repair. “except vehicles waiting for pick-up may be stored for a maximum of 72 hours”. Hours are 7 am to 7 pm Mon – Fri, 9 am to 6 pm Sat & Sun.
19. Reso #92-55, For 1414 Pacific Coast Hwy. Auto services. “except vehicles waiting for pick-up may be stored for a maximum of 72 hours”. Hours are 8 am to 6 pm Mon – Sat, and 9 am to 6 pm on Sun.
20. Reso #92-66, For 2212 Pacific Coast Hwy. Auto repairs. Storage of trucks, tractors, & RV’s prohibited. No time limit for cars being serviced. Hours are 7 am to 7 pm.

SUMMARY:

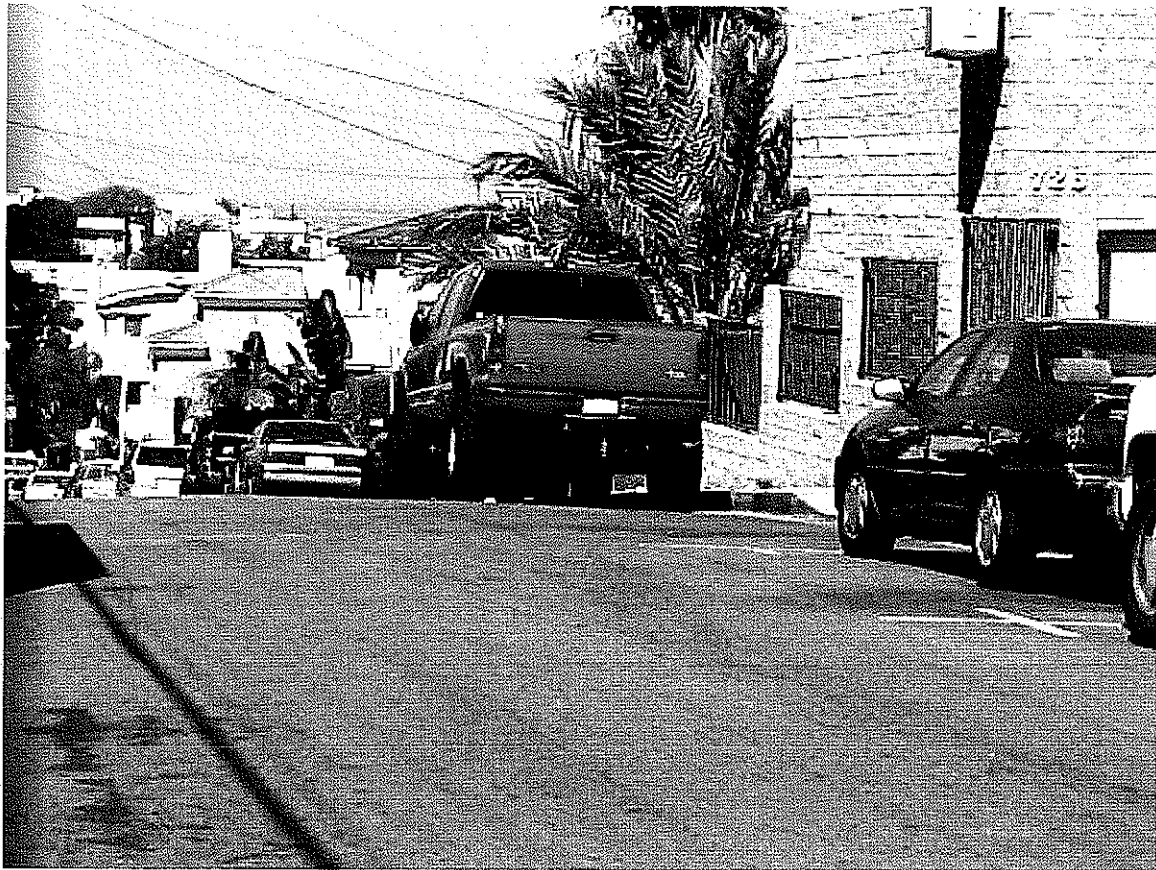
Of twenty CUP’s, Nine or 45% have no specifications as to how long vehicles can be on the lot. Seven or 35% are limited to 72 hours. Two of them, 10% are limited to 24 hours. One, 0.5% is limited to 60 days. One is limited to 90 days.

HOURS: Four, or 20% have no hours specified. Four, or 20% are open from 7 – 7. Four, or 20% are open from 8 – 9. Three, or 15% are open from 8 – 6. Two are open from 7 – 7:30. One is open from 7 – 9, one from 7 – 6, and one from 7- 10. **THE AVERAGE IS 12 HOURS PER DAY.**



August 7, 2006 – Street parking at German Motors - no evidence of violations.





August 8, 2006 – Street parking at German Motors - no evidence of violations.





August 8, 2006 – Two portable tents are set up for auto detailing at German Motors.