

August 8, 2007

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

**Regular Meeting of  
August 21, 2007**

SUBJECT: PARKING PLAN 07-6  
CONDITIONAL USE PERMIT 07-10

LOCATION: 1034 HERMOSA AVENUE

APPLICANT: BRITTNY TACKER AND MONICA IBARRA

REQUEST: PARKING PLAN TO ALLOW A GELATO BUSINESS, PACIUGO, TO BE CLASSIFIED AS A SNACK SHOP IN ORDER TO BASE PARKING REQUIREMENTS AS A RETAIL COMMERCIAL USE.

CONDITIONAL USE PERMIT FOR OUTDOOR SEATING, LOCATED WITHIN AN EXISTING COMMERCIAL BUILDING.

**Recommendations**

To approve the Parking Plan and Conditional Use Permit and adopt the attached resolution.

**Background**

**PROJECT INFORMATION:**

ZONING:	Restricted Commercial (C-2)
GENERAL PLAN:	General Commercial (GC)
LOT SIZE:	8,000 Square feet
AREA OF ESTABLISHMENT:	1,482 Square feet
PROPOSED PATIO AREA:	188 Square feet
OFF STREET PARKING:	A loading area is only provided on the alley
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject site is a 1,482 square foot portion of a multi-tenant commercial building fronting Hermosa Avenue. The building was constructed in 1956 and is nonconforming to parking since no parking spaces are available on site. The existing building has a mezzanine located on the second floor, which the property owner is proposing to convert into storage.

The applicant is proposing to open a snack-shop style café, Paciugo, that serves Italian-style ice cream (gelato) sorbet, Italian style coffee, and other specialty coffee drinks. Submitted floor plans indicate that the establishment will have no more than 15 seats to accommodate customers and will not offer a sit-down wait-person table service. The applicant is requesting a Parking Plan for the business to be classified as a snack shop in order to base parking requirements as a retail commercial use and a Conditional Use Permit for outdoor seating.

**Analysis**

**PARKING PLAN**

Pursuant to Section 17.44.030(O) "the parking requirements for a snack bar/snack shop shall be the same as for a "restaurant" unless it can be shown to the Planning Commission that the characteristics of

the building: its location and other mitigating factors result in less parking being necessary for the business." This section allows the Planning Commission to consider the type and intensity of snack shop use, its location, and if deemed appropriate apply the same parking requirements as would be applied for a retail/ commercial use. If the more intense restaurant parking requirement is applied at a 1 space per 100 square feet ratio, the required additional parking would be 17 spaces, pursuant to Section 17.44.040 pertaining to parking requirements for the downtown district. The applicant is requesting to be classified as a snack shop<sup>1</sup> since the establishment will only offer gelato and coffee drinks, have less than 15 seats to accommodate customers, and will not offer a sit down wait-person table service. Staff believes that the proposed business Paciugo is consistent with the definition of a snack shop and will not intensify the existing land use in comparison to the previous retail establishment. Therefore, the Commission can approve the proposed use without any additional parking.

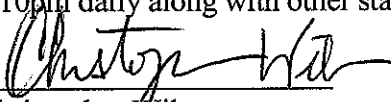
#### CONDITIONAL USE PERMIT

The applicant is requesting permission for outdoor seating in conjunction with the snack shop, in an area located west of the building, facing Hermosa Avenue. The existing façade will be setback to accommodate the proposed patio area; however, no additional square footage will be added to the building. Therefore, the proposed outdoor seating will encompass an area of approximately 190 square feet, allowing the placement of 2 tables and 4 seats.

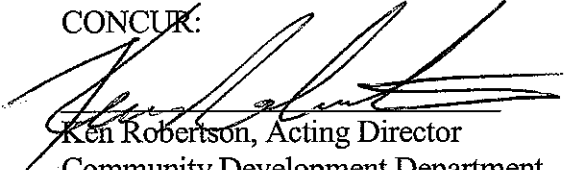
The applicant has proposed that the hours of operation be from 11am-1am Friday through Saturday and 11am-11pm Sunday through Thursday. Since the location is surrounded by commercial uses and is adjacent to residential properties to the rear, staff suggests that the hours of operation for outdoor seating be limited to the hours of 11am-10pm daily. This would be consistent with Coffee Bean and Tea Leaf (1225 Hermosa Avenue) and Starbucks (1303 Hermosa Avenue).

#### Summary

Staff believes that the proposed business Paciugo, is consistent with the definition of a snack shop and will not intensify the existing land use in comparison to the previous retail establishment, and will not put any additional demands on parking. Therefore, staff is recommending approval with conditions that outdoor seating be limited to the hours of 11am-10pm daily along with other standard conditions of approval.

  
Christopher Wilson  
Planning Division Intern

CONCUR:

  
Ken Robertson, Acting Director  
Community Development Department

#### Attachments

1. Resolution
2. Location Map
3. Radius Map
4. Applicant Correspondence
5. Photo Survey

<sup>1</sup>"Snack bar or snack shop" means an establishment with 25 or less seats that is distinguished from a restaurant as it does not include waiter/waitress table service, except queuing, (intermittent delivery of purchased goods) and does not serve full meals or have a kitchen capable of serving meals but instead serves snacks or non-alcoholic beverages for consumption on the premises or for take-out; specifically, items such as donuts and other baked goods, ice cream, yogurt, cookies, coffee, tea and juices are considered snacks.

P.C. RESOLUTION 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN TO ALLOW A GELATO BUSINESS, PACIUGO TO BE CLASSIFIED AS A SNACK SHOP IN ORDER TO BASE PARKING REQUIREMENTS AS A RETAIL COMMERCIAL USE, AND A CONDITIONAL USE PERMIT FOR OUTDOOR SEATING, LOCATED WITHIN AN EXISTING COMMERCIAL BUILDING AT 1034 HERMOSA AVENUE LEGALLY DESCRIBED AS LOTS 4&5 1<sup>ST</sup> ADD, BLOCK 35, HERMOSA BEACH TRACT.

Section 1. An application was filed by Brittny Tacker and Monica Ibarra, seeking approval of a parking plan to allow a gelato business, Paciugo to be classified as a snack shop in order to base parking requirements as a retail commercial use, and a Conditional Use Permit for outdoor seating located within an existing commercial building at 1034 Hermosa Avenue.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Parking Plan and Conditional Use Permit on August 21, 2007, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The subject gelato business is to be located within a portion of the ground floor area, containing 1,482 square feet indoors and 188 square feet of seating outdoors, for a total of 1,670 square feet, within an existing 6,540 square foot retail building.

2. The applicant proposes to provide outdoor seating for customers in conjunction with business by converting indoor space to outdoor space resulting in no increase in usable area.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for the Conditional Use Permit:

1. The site is zoned C-2, and is suitable for the proposed outdoor use in conjunction with the business;

2. The proposed use is compatible with surrounding commercial and residential uses.

3. The imposition of conditions as required by this resolution will mitigate any negative impacts on nearby residential or commercial properties.

4. Pursuant to Section 17.44.030(O) applying retail commercial parking requirements is appropriate for the snack shop due to the characteristics of the building (a mix of retail uses and the proposed snack shop) the characteristics of the snack shop (a gelato business that is typically not a destination sit down business, and offers no meals) and other mitigating factors (the location in the

1 pedestrian oriented downtown district). Given that the business will be replacing an existing retail  
2 use, no additional parking is required.

3 5. The proposed business is consistent with the definition of a snack shop in that the  
4 establishment will have 25 seats or less to accommodate customers, will not offer a sit-down wait-  
5 person table service and does not serve full meals.

6 Section 5. This project is Categorically Exempt pursuant to Section 15303c New Construction  
7 or Conversion of Small Structures of the California Environmental Quality Act.

8 Section 6. Based on the foregoing, the Planning Commission hereby approves the Parking  
9 Plan for a snack shop use with no additional parking and a Conditional Use Permit for outdoor  
10 seating, subject to the following **Conditions of Approval:**

- 11 1. **The project shall be substantially consistent with submitted plans revised in accordance  
12 with the conditions below. Minor Modifications to the plan shall be reviewed and may  
13 be approved by the Community Development Director.**
- 14 2. **Any intensification or substantial change to the gelato business or substantial change to  
15 the mix of uses within the entire retail building at 1034 Hermosa Avenue shall require  
16 approval by the Planning Commission.**
- 17 3. **Outdoor seating and occupancy of the patio shall be in conjunction with Paciugo's use  
18 only, and for customer use of the gelato business and hours of operation for outdoor  
19 seating shall be limited to the hours of 11am-10pm daily.**
- 20 4. **The outdoor seating area shall be maintained in a neat and clean manner at all times.**
- 21 5. **The use of outdoor seating area shall comply with all applicable requirements of the  
22 Hermosa Beach Municipal Code.**
- 23 6. **The use of the outdoor seating area shall not adversely effect the welfare of the residents,  
24 and/or commercial establishments nearby.**
- 25 7. **The business shall provide adequate staffing, management and supervisory techniques to  
26 prevent loitering, unruliness, and boisterous activities of the patrons in the outdoor seating  
27 areas.**
- 28 8. **Noise emanating from the property shall be within the limitations prescribed by the City's  
29 noise ordinance and shall not create a nuisance to surrounding residential neighborhoods,  
and/or commercial establishments.**
9. **The property owner must submit detailed plans for alterations to the mezzanine area for  
approval by the Community Development Department, and obtain building permits for  
the alterations which shall be completed prior to occupancy of the proposed snack shop.**

30 Section 7. 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.

1 The Parking Plan and Conditional Use Permit shall be recorded, and proof of recordation shall be  
2 submitted to the Community Development Department.

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

5 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from  
6 any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside,  
7 void or annul this permit approval, which action is brought within the applicable time period of the  
8 State Government Code. The City shall promptly notify the permittee of any claim, action, or  
9 proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the  
10 permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the  
11 permittee shall no thereafter be responsible to defend, indemnify, or hold harmless the City.

12 The permittee shall reimburse the City for any court and attorney's fees which the City may be required  
13 to pay as a result of any claim or action brought against the City because of this grant. Although the  
14 permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its  
15 own expense in the defense of the action, but such participation shall not relieve the permittee of any  
16 obligation under this condition.

17 The subject property shall be developed, maintained and operated in full compliance with the  
18 conditions of this grant and any law, statute, ordinance or other regulation applicable to any  
19 development or activity on the subject property. Failure of the permittee to cease any development or  
20 activity not in full compliance shall be a violation of these conditions.

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

24 VOTE:           AYES:  
25                   NOES:  
26                   ABSENT:  
27                   ABSTAIN:

28 CERTIFICATION

29 I hereby certify the foregoing Resolution P.C. 07- 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 August  
21, 2007.

\_\_\_\_\_  
Langley Kersenboom, Chairman

\_\_\_\_\_  
Ken Robertson, Secretary

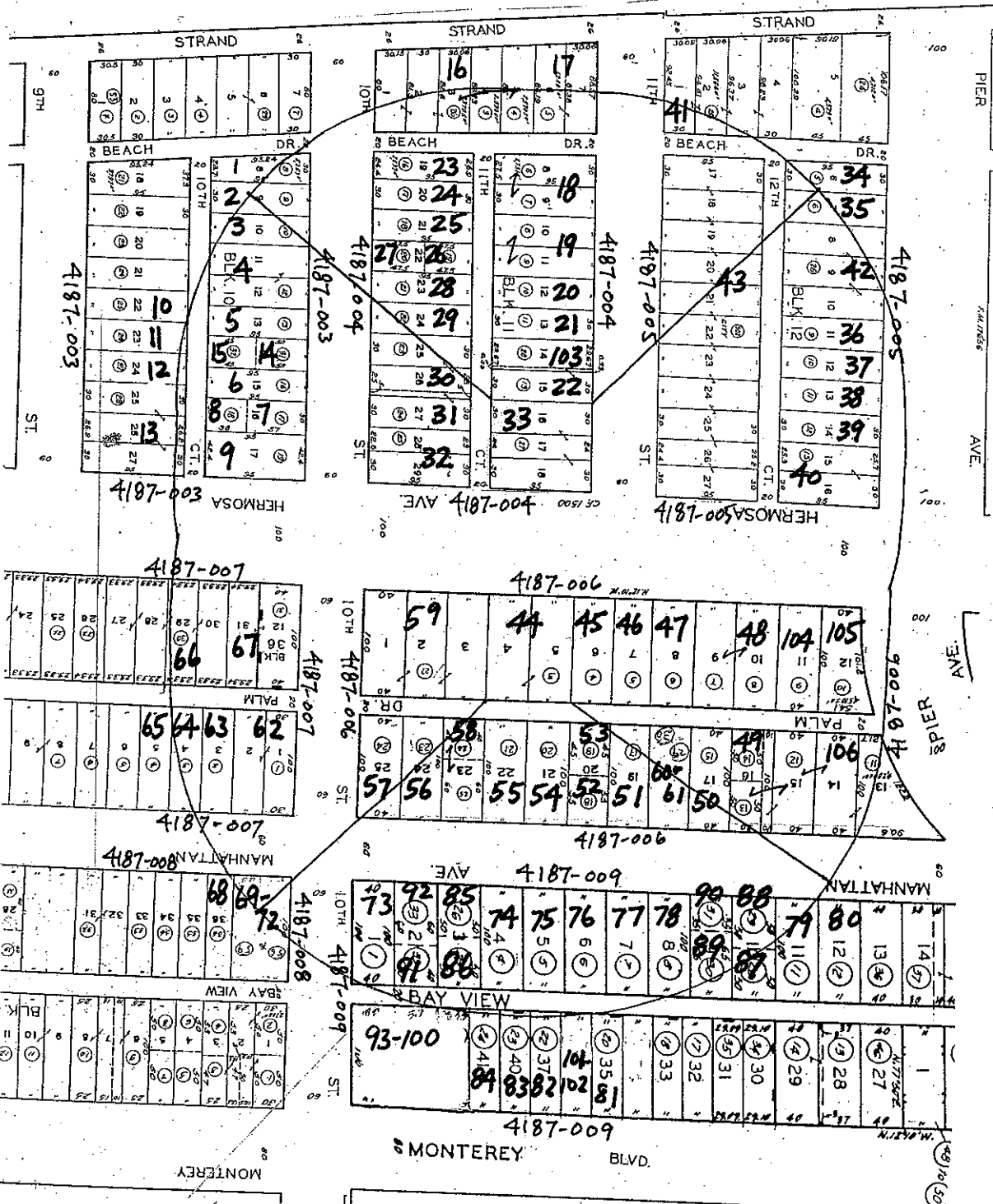
\_\_\_\_\_  
August 21, 2007

Date



City of Hermosa Beach  
1034 Hermosa Avenue

6



**ADDRESS: 1031 & 1034 HERMOSA AVE**

August 10, 2007

**Via email:** [cwilson@hermosabch.org](mailto:cwilson@hermosabch.org)

Mr. Christopher Wilson  
Planning Division Intern  
City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, CA 90254

**Subject: Parking Plan and Conditional Use Permit Application  
Paciugo, 1034 Hermosa Avenue  
FM Project No. 07220**

Dear Mr. Wilson:

In response to your letter of August 7, following are responses to your comments:

1. Attached is a PDF of the site plan, with the property lines indicated.
2. Attached is a PDF of a floor plan, with dimensions for the outdoor seating area.
3. Description of work to be done: under a separate permit, the building owner (Greg Stager) will be removing the stairs that lead from the first floor to the mezzanine. He will then create a separate entrance from the exterior to the mezzanine, since it will not be a part of the Paciugo tenant space. Within the Paciugo tenant space, an interior partition wall will be added to create a Work Room in the back for the production of the gelato. The front portion of the store will include the gelato display case for customer selections, as well as indoor and patio seating for the customers. Interior finishes will meet Paciugo franchise standards.
4. The attached PDF of the site plan shows the current interior build-out of the tenant space.
5. Gross floor area of the building = 6340 sf. Area of Paciugo = 1482 sf. Area of Paciugo's outdoor seating = 188 sf.

If you have any questions, please contact me at 815-227-4530 or [ddimmick@fmgroup.net](mailto:ddimmick@fmgroup.net).

Sincerely,

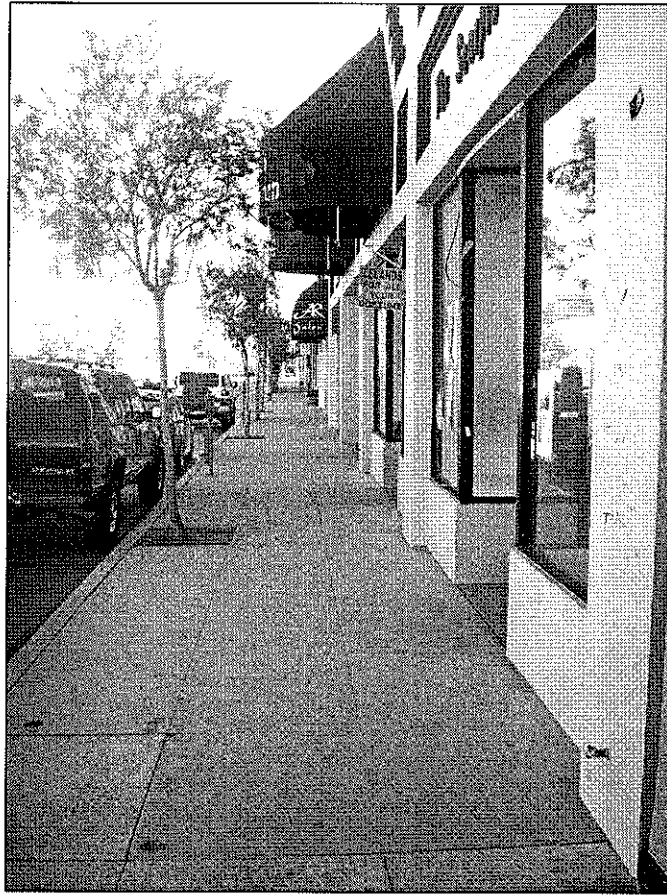
**FM GROUP INC**



Debra Dimmick, AIA  
Sr. Program Manager

C:\FMGroup\CAD Files\07220 Paciugo Hermosa Beach\plan dept letter.doc

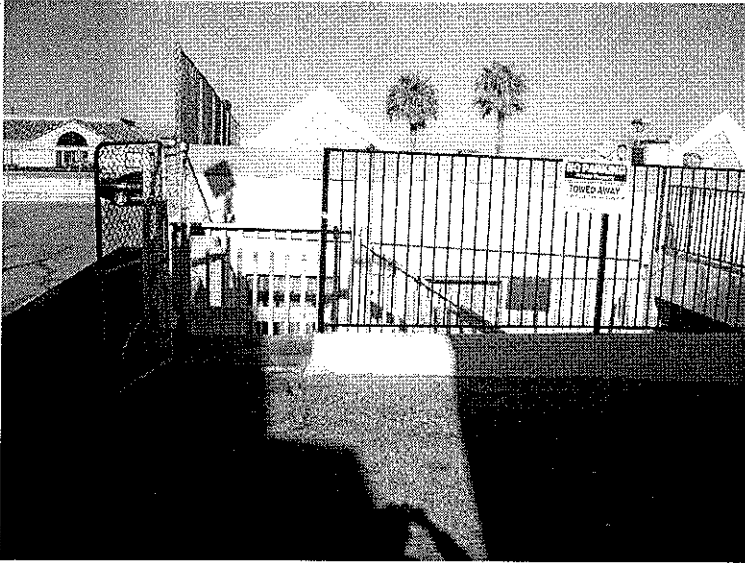




**Pedestrian sidewalk in front of 1034 Hermosa Ave**



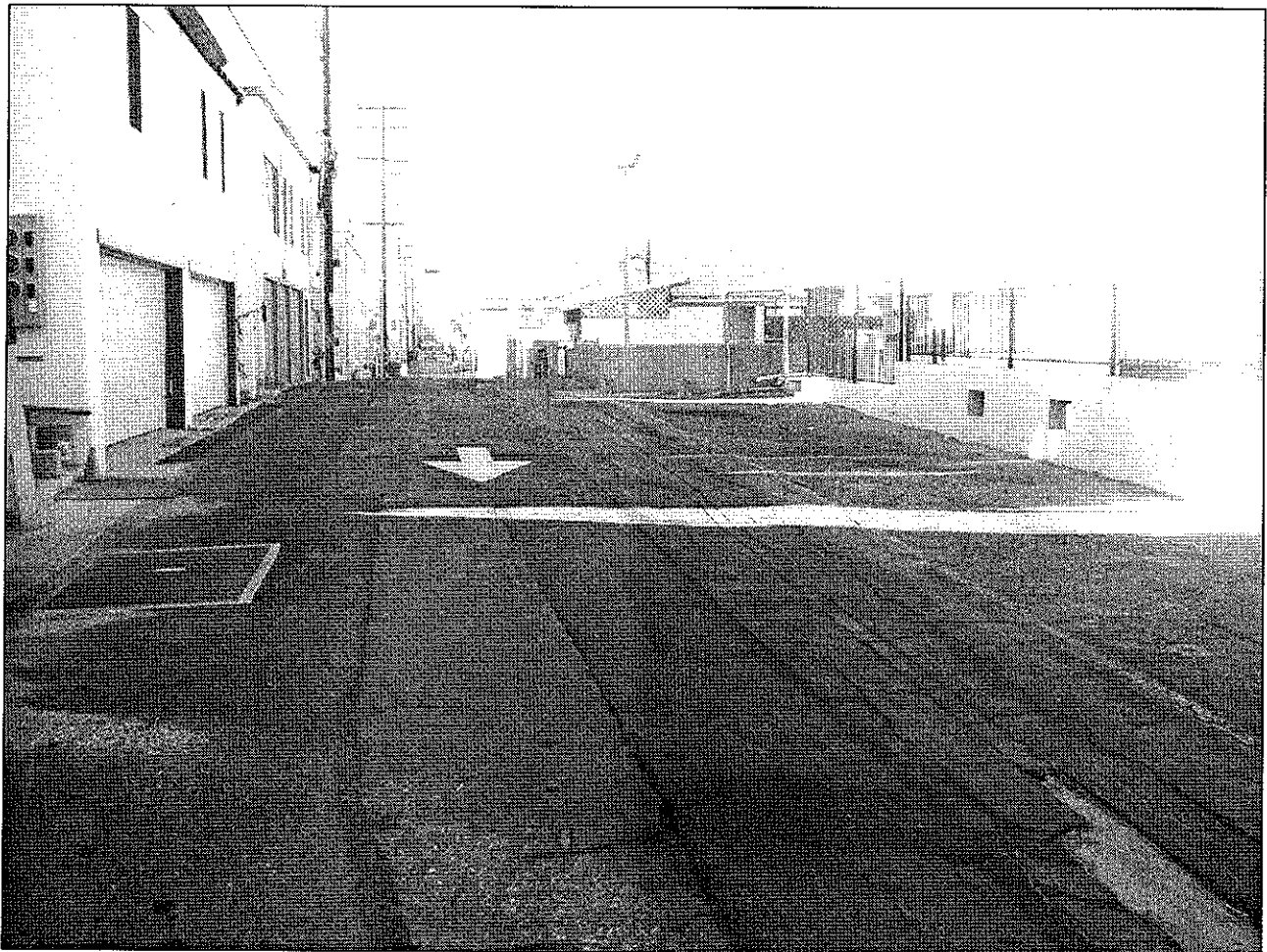
**Store front at 1034 Hermosa Avenue**



**Entrance to mezzanine from alley**



**Loading area to the rear of the building**



**Rear Alley**

RECEIVED

JUL 23 2007

COMMUNITY DEV. DEPT.

## City of Hermosa Beach Parking Plan

### ***3. Request for a reduction in required parking pursuant to Section 17.44.210 of the Zoning Ordinance***

The first Paciugo Italian gelato franchise in California will be located at 1034 Hermosa Avenue in Hermosa Beach, California. **Paciugo is a snack-shop style café that serves authentic fresh Italian-style ice cream (gelato) and sorbet, italian-style coffee, and other specialty italian-style gelato coffee drinks.** This location is on a beach friendly and high pedestrian traffic street one block east of the Hermosa Pier strand. Paciugo is adjacent to the famed Comedy and Magic Club and located in the same building as the popular Sushi Sei.

**Paciugo will have less than 15 seats to accommodate customers and does not offer a sit-down wait-person table service; therefore Paciugo will not need to provide additional parking to their customers.** There is a counter with a display case of 32 different Italian ice cream and sorbet flavors that customers will form a queue in front. **Gelato customers generally take out the purchase** and continue on to their intended destination.

Paciugo's peak store hours will be dictated by the surrounding restaurants such as the Comedy and Magic Club, Sushi Sei, Little Italy Kitchen, Club Sushi and other restaurants and bars located on the surrounding Pier Ave and Hermosa Avenue area. Paciugo will also draw from customers who are already in the area for other purposes such as shopping jaunts at the various retail stores, hair salons, professional services, etc. in the surrounding Hermosa Beach area.

**Paciugo will draw its customers from this highly populated beach area and the pedestrians that are passing by on their way to and from the beach, surrounding restaurants, and retail locations.** Frozen ice-cream desserts retailers such as Paciugo is an "impulse buy" type of a snack shop that draws customers who are strolling by the beach and/or neighborhood. **Paciugo is not a destination restaurant but instead a quick service local gourmet frozen dessert ice cream and coffee café. We are requesting that Paciugo of Hermosa Beach is exempt from providing additional parking for their customers at 1034 Hermosa Ave.**

**Please see the attached pages for a more in depth look into the Paciugo franchise and business concept.**