

October 8, 2007

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

**Regular Meeting of  
October 16, 2007**

SUBJECT: PARKING PLAN 07-9  
LOCATION: 1316 HERMOSA AVENUE  
APPLICANT: KATHRYN DENG  
REQUEST: PARKING PLAN TO ALLOW A FROZEN YOGURT BUSINESS TO BE CLASSIFIED AS A SNACK SHOP IN ORDER TO BASE PARKING REQUIREMENTS AS A RETAIL COMMERCIAL USE LOCATED WITHIN AN EXISTING COMMERCIAL BUILDING AT 1316 HERMOSA AVENUE.

**Recommendations**

To approve the Parking Plan and adopt the attached resolution.

**Background**

**PROJECT INFORMATION:**

ZONING:	Restricted Commercial (C-2)
GENERAL PLAN:	General Commercial (GC)
LOT SIZE:	4,000 Square feet
AREA OF ESTABLISHMENT:	1,646 Square feet
OFF STREET PARKING:	One parking space adjacent to rear alley
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject site is a 1,646-square foot portion of a multi-tenant commercial building fronting Hermosa Avenue that was previously used for retail furniture sales. The building was constructed in the 1930's and is nonconforming to parking since only one parking space is available on site. The existing building has a 190-square foot mezzanine located on the second floor, which the applicant is proposing to use for storage.

The applicant is proposing to open a snack-shop<sup>1</sup> style establishment that will serve frozen yogurt with an assortment of toppings. Submitted floor plans indicate that the establishment will have no more than 16 seats 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 located within an existing commercial building.

**Analysis**

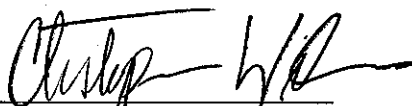
Pursuant to Section 17.44.030(O) of the Hermosa Beach Municipal Code "the parking requirements for a snack bar/snack shop shall be the same as for a "restaurant" unless it can be shown to the Planning Commission that the characteristics of the building: its location and other mitigating factors result 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 16 spaces, pursuant to Section 17.44.040 pertaining to parking requirements for the downtown district. However, if considered a snack shop the business would have the same parking requirements as the previous furniture store and no additional parking would be required.


The applicant is requesting to be classified as a snack shop since the establishment will only serve frozen yogurt, have no more than 16 seats, and will not offer a sit down wait-person table service. Additionally, the business intends to attract patrons from pedestrian oriented areas, gaining most of its business from foot traffic along Hermosa Avenue.

**Summary**

Staff believes that the proposed business, 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.

  
\_\_\_\_\_  
Christopher Wilson  
Planning Division Intern

CONCUR:

  
\_\_\_\_\_  
Ken Robertson, Director  
Community Development Department

**Attachments**

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

**"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.

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**P.C. RESOLUTION 07-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN TO ALLOW A FROZEN YOGURT BUSINESS TO BE CLASSIFIED AS A SNACK SHOP IN ORDER TO BASE PARKING REQUIREMENTS AS A RETAIL COMMERCIAL USE LOCATED WITHIN AN EXISTING COMMERCIAL BUILDING AT 1316 HERMOSA AVENUE LEGALLY DESCRIBED AS LOTS 8 & 9 1<sup>ST</sup> ADD, BLOCK 34, HERMOSA BEACH TRACT.**

Section 1. An application was filed by Kathryn Deng, seeking approval of a parking plan to allow a frozen yogurt business to be classified as a snack shop in order to base parking requirements as a retail commercial use located within an existing commercial building at 1316 Hermosa Avenue.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Parking Plan on October 16, 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 business is to be located within a portion of the ground floor area, containing 1,646 square feet, within an existing 4,000 square foot commercial building.

2. The applicant proposes to have no more than 16 seats, will not offer a sit down wait-person table service and will not serve full meals.

3. The previous use of the subject site was a furniture store which has the parking requirements for retail/commercial use.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for the parking plan:

1. The site is zoned C-2 and is suitable for the proposed business;

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

3. 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 frozen yogurt business that is typically not a destination sit down business, and offers no meals) and other mitigating factors (the location in the pedestrian oriented downtown district). Given that the business will be replacing an existing retail use, no additional parking is required.

4. The proposed business is consistent with the definition of a snack shop in that the establishment will have 16 seats or less to accommodate customers, will not offer a sit-down wait-person table service and does not serve full meals.

1           Section 5. This project is Categoricaly Exempt pursuant to Section 15303c New Construction  
2 or Conversion of Small Structures of the California Environmental Quality Act.

3           Section 6. Based on the foregoing, the Planning Commission hereby approves the Parking  
4 Plan for a snack shop use with no additional parking, subject to the following **Conditions of**  
5 **Approval:**

- 6       **1. The project shall be substantially consistent with submitted plans revised in accordance**  
7       **with the conditions below. Minor Modifications to the plan shall be reviewed and may**  
8       **be approved by the Community Development Director.**
- 9       **2. Any intensification or substantial change to the frozen yogurt business or substantial**  
10       **change to the mix of uses within the entire retail building at 1316 Hermosa Avenue shall**  
11       **require approval by the Planning Commission.**
- 12       **3. The business shall provide adequate staffing, management and supervisory techniques**  
13       **to prevent loitering, unruliness, and boisterous activities of the patrons**
- 14       **4. Noise emanating from the property shall be within the limitations prescribed by the City's**  
15       **noise ordinance and shall not create a nuisance to surrounding residential neighborhoods,**  
16       **and/or commercial establishments.**
- 17       **5. The outdoor area shall be maintained in a neat and clean manor at all times and the**  
18       **adjacent side walk shall be cleaned daily.**

19           Section 7. This grant shall not be effective for any purposes until the permittee and the owners  
20 of the property involved have filed at the office of the Planning Division of the Community  
21 Development Department their affidavits stating that they are aware of, and agree to accept, all of the  
22 conditions of this grant.

23           The Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community  
24 Development Department.

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

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

          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

1 own expense in the defense of the action, but such participation shall not relieve the permittee of any  
2 obligation under this condition.

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

7 The Planning Commission may review this Parking Plan and may amend the subject conditions or  
8 impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood  
9 resulting from the subject use.

10 VOTE:           AYES:  
11                   NOES:  
12                   ABSENT:  
13                   ABSTAIN:

14 CERTIFICATION

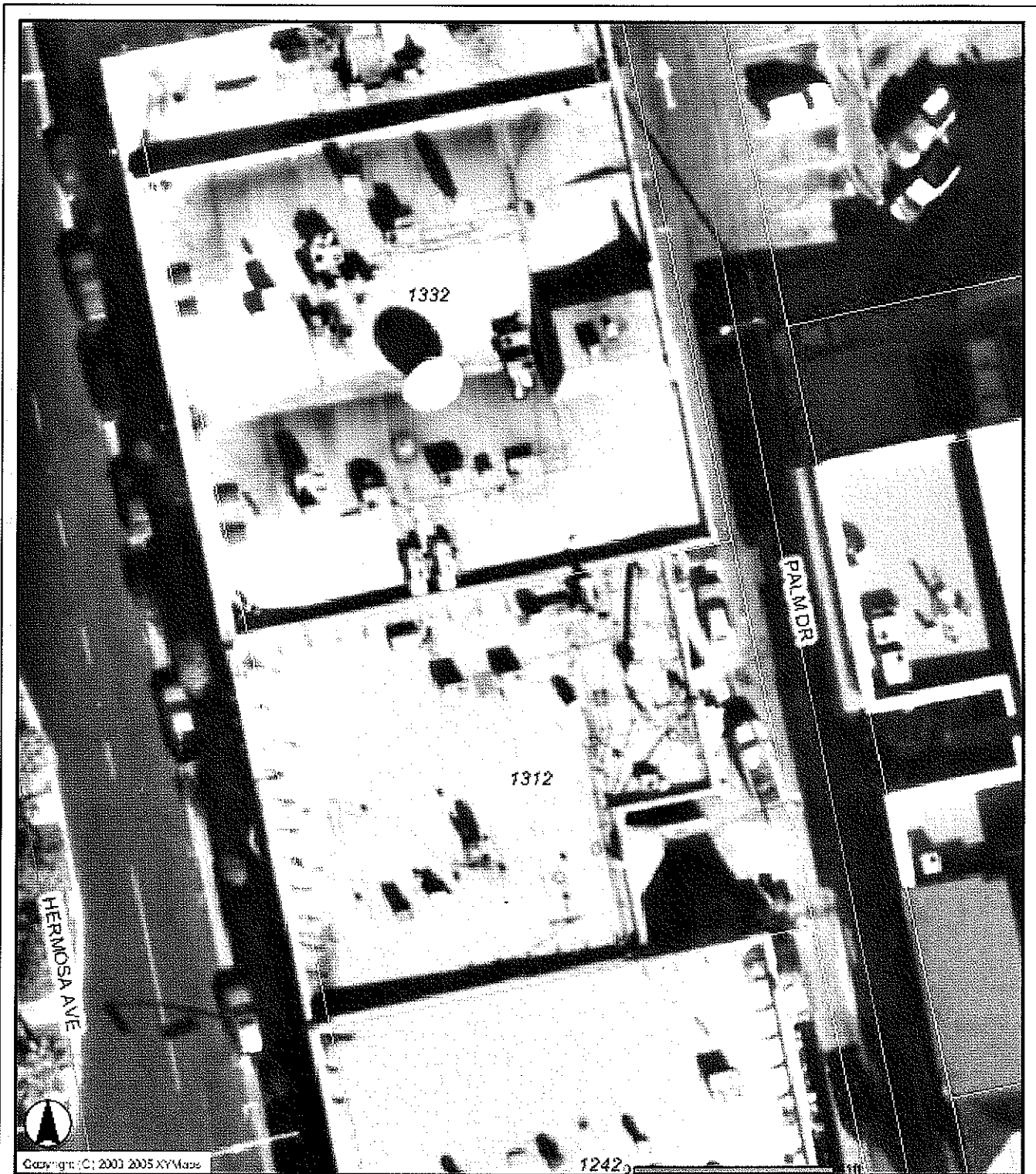
15 I hereby certify the foregoing Resolution P.C. 07- is a true and complete record of the action taken by  
16 the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of October  
17 16, 2007.

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19 Langley Kersenboom, Chairman

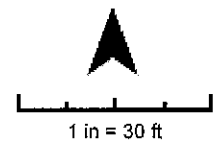
20 \_\_\_\_\_  
21 Ken Robertson, Secretary

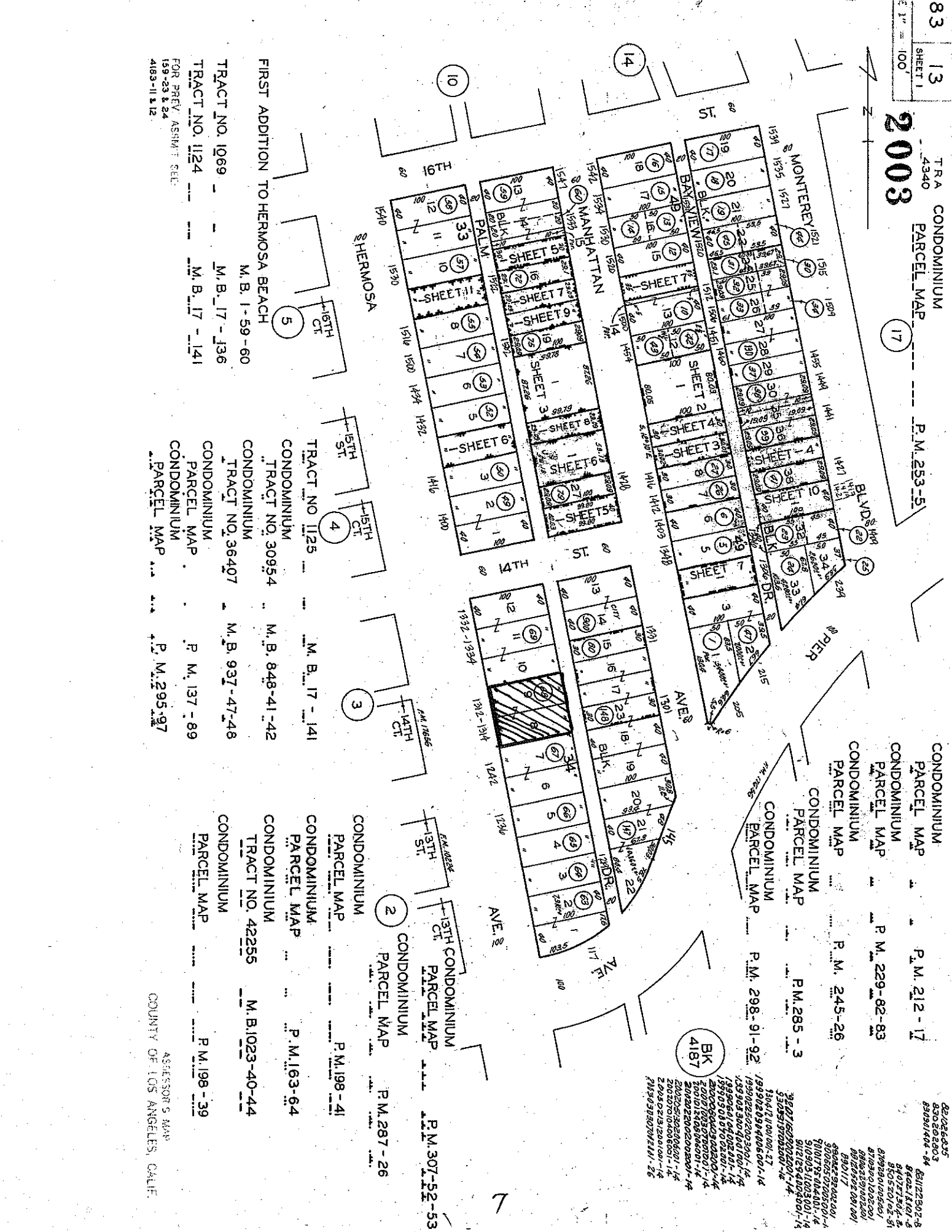
22 \_\_\_\_\_  
23 October 16, 2007

24 \_\_\_\_\_  
25 Date



City of Hermosa Beach  
1312 (AKA. 1316) Hermosa  
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P.M. 287-26

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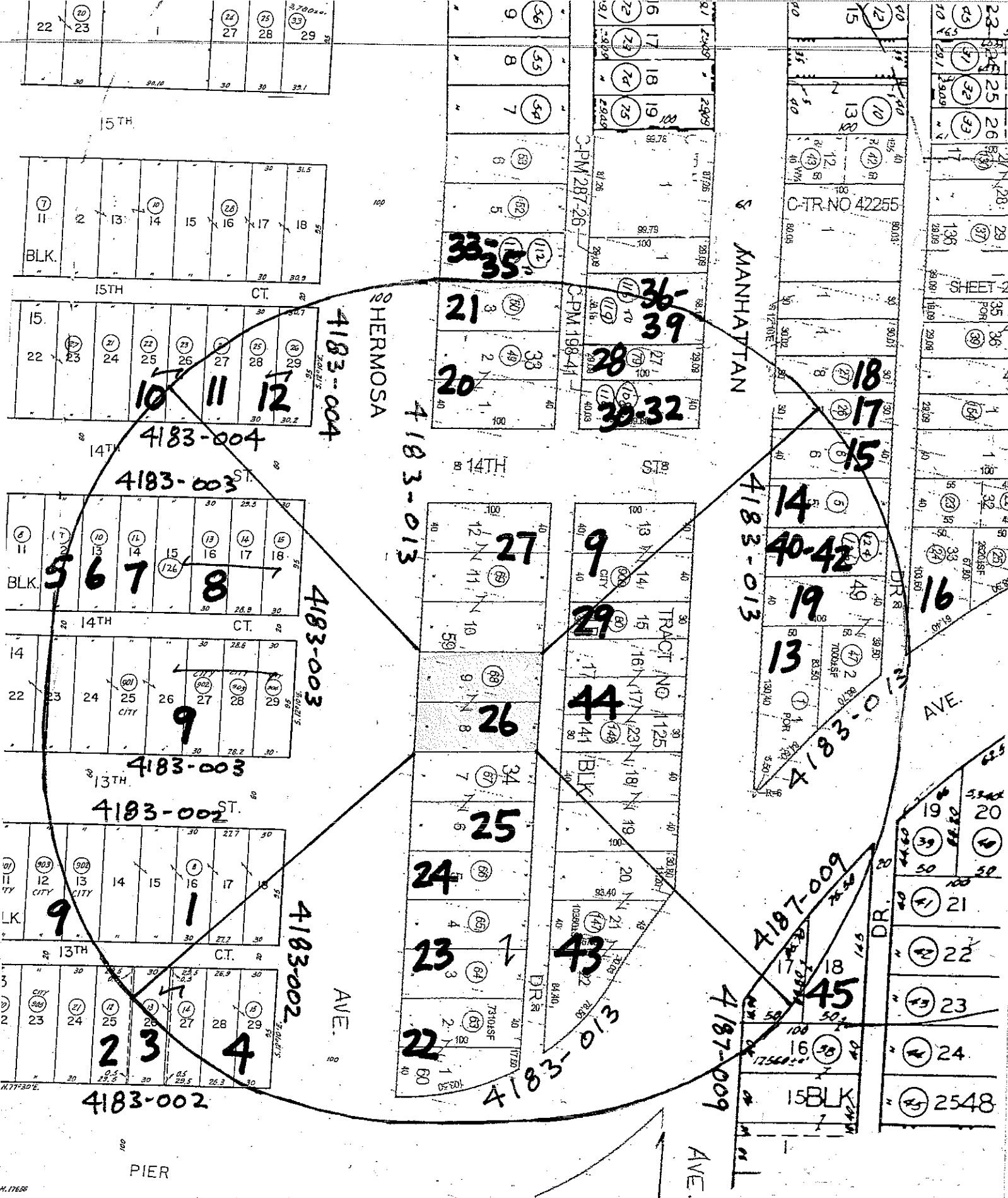
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M.B. 848-41-42  
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FOR PREP. ASHMT. SEE:  
159-23 & 24  
4189-11 & 12

ASSessor's MAP  
COUNTY OF LOS ANGELES, CALIF.



**ADDRESS: 1316 HERMOSA AVE**



**CONTINENTAL MAPPING SERVICE**

6325 Van Nuys Boulevard, Van Nuys, CA 91401

(818) 787-1663

SCALE 1" = 100'

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# Lotus Frozen Yogurt

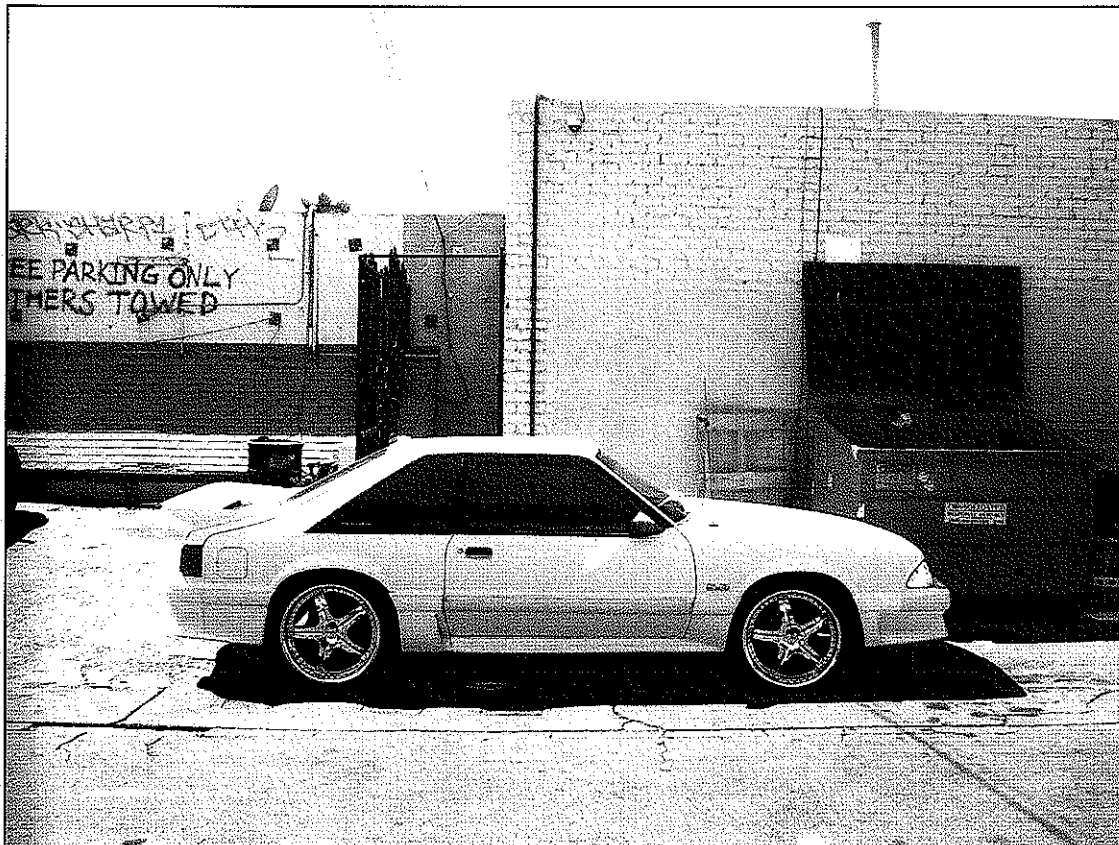
## Executive Summary

Lotus Frozen Yogurt will be a new snack shop, serving primarily frozen yogurt, to be located on 1316 Hermosa Avenue, Hermosa Beach, CA 90254. Recently, frozen yogurt has experienced tremendous growth in popularity because it is a healthy and low-fat alternative to ice cream. The smooth and tart flavor of frozen yogurt mixed in with fresh fruit or other toppings has become a popular snack for children and adults.

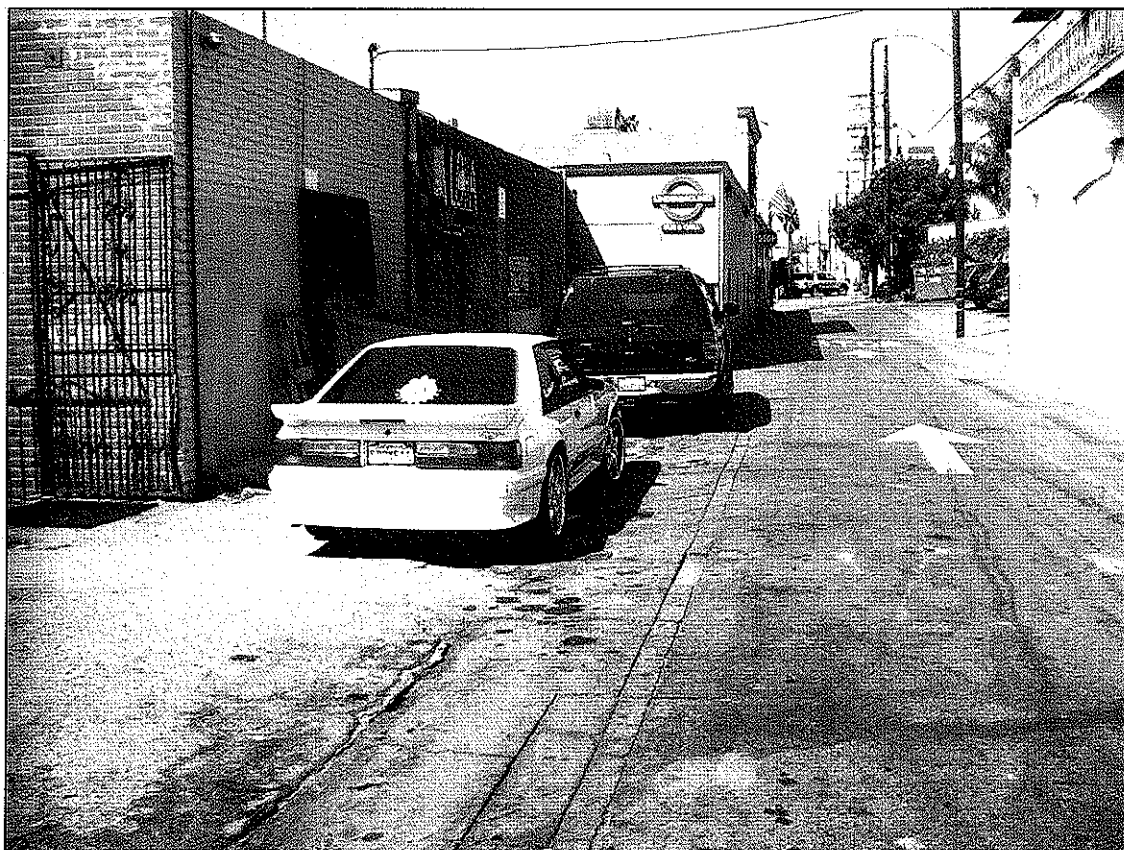
Lotus Frozen Yogurt wants to offer this healthy and wonderful tasting snack in a fun and exciting way. The concept of the store is to setup a self-serve bar to allow customers to create their own frozen yogurt bowl. In the self-serve environment, customers will dispense the frozen yogurt from the machines themselves, thereby giving them the flexibility to choose as many flavors as they like. A wide selection of fresh fruits, nuts, chocolate, candies, and other specialty toppings will be available for them to make their creation truly unique. The frozen yogurt bowl will be weighed at the cashier and be charged on a per ounce basis. Several tables will be places in the front area of the store for the customers to enjoy their frozen yogurt. Alternatively, customers can take their frozen yogurt to enjoy as they stroll the streets of downtown Hermosa or to the beach.

The target markets of the store are patrons of neighboring restaurants, bars and retail shops in the Hermosa Downtown area and visitors to the beach. Lotus Frozen Yogurt will be situated in an ideal location to attract these potential customers because of the high pedestrian traffic in front of the store on Hermosa Avenue and one block south of the store on Pier Avenue.

The opening of our store should not increase any additional parking strain to the area from the previous furniture store business. First of all, it will be expected that most of the customers of Lotus Frozen Yogurt will be pedestrian in the downtown area of Hermosa. Additionally, the store is a self-serve quick service type of business where customers will be in and out of the store in minutes. Therefore it will not cause customers to be parked in the area for a prolonged duration.



**REAR PARKING SPACE ADJACENT TO ALLEY**



**REAR ALLEY**



**STORE FRONT AT 1316 HERMOSA AVENUE**