

October 21, 2003

**Honorable Mayor and Members of the  
Hermosa Beach City Council  
2003**

**Regular Meeting of  
October 28,**

SUBJECT: APPEAL OF PLANNING COMMISSION DECISION TO DENY PRECISE  
DEVELOPMENT PLAN 03-10, NONCONFORMING REMODEL 03-9  
PARKING PLAN 03-3

LOCATION: 238 PIER AVENUE – STONER BUILDING

**Recommendation:**

To direct as deemed appropriate based on the following:

1. Sustain the decision of the Planning Commission to deny the project.
2. Approve the project as submitted as either a nonconforming remodel under the Nonconforming Ordinance with reduced (tandem) parking under a Parking Plan ; or as a new building with Parking Plan allowing reduced parking and tandem parking and remittance of in-lieu parking fees; and
3. Direct staff to return with a resolution for adoption containing conditions of approval.

**Background:**

At their August 19, 2003 meeting the Planning Commission voted 3:2 to deny the application, with the majority expressing concern about the extensive amount of demolition involved in the project while maintaining a nonconforming parking deficiency. The applicant has subsequently revised project plans to address the Planning Commission concern regarding the nonconforming parking in the project. The project now includes additional tandem parking on the ground floor to increase the parking to 8 spaces on-site, however a reduced parking requirement is still requested under the Parking Plan application. The building was initially constructed as a residence in 1941. The most recent use of the building has been commercial, although there is a history of joint residential and commercial use.

**PROJECT SUMMARY:**

ZONING:	C-2 Restricted Commercial
GENERAL PLAN:	General Commercial
LOT SIZE:	3,323 sq. ft.
EXISTING FLOOR AREA / PARKING:	1,445 sq. ft. / 1 space existing
PROPOSED EXPANSION:	1,458 sq. ft/ (731 + 727 sq. ft. retail + mezzanine)
TOTAL FLOOR AREA:	2,903 gross sq. ft.
PARKING REQUIRED FOR PROJECT:	5 spaces if expansion / 9 Spaces if new building <sup>1</sup>
PARKING PROVIDED:	8 (in 4 pairs of tandem spaces)

## ENVIRONMENTAL DETERMINATION

Categorically Exempt - Class 3(c). Project located in an urbanized area, of less than 10,000 square feet, and all necessary public services and facilities are available.

### Analysis

The proposed plan involves an addition and complete remodel to the existing building, and substantial demolition of both the interior and exterior, in order to change the building from a 1940's residential structure to a modern retail commercial building. The existing first floor will be completely remodeled to create a large open retail space with floor area added to the front and rear of the existing space, with a mezzanine/storage level above. Additional parking will be created in the basement level by providing 8 parking spaces in tandem in the existing unimproved under-floor area. The parking has been modified from the Planning Commission submittal, in which 5 parking spaces were proposed to provide parking for the area of the addition consistent with the Nonconforming Ordinance. The project plans now show 8 parking spaces in tandem.

### PARKING PLAN

There are two ways to analyze the parking deficiency for the project:

1. Under the Nonconforming Ordinance parking provisions which permits parking only the expansion of the project; or
2. As a new building where the full complement of parking must be provided with approval of a Parking Plan.

If the project is considered an expansion to a legal nonconforming building under the Nonconforming Ordinance, 4 parking additional spaces are required for the building expansion of 1,458 square feet. (1,458 sq. ft. / 333 sq. ft = 4 spaces + 1 existing space), for a total of 5 spaces. If only 5 spaces are required, the project may be approved as a nonconforming remodel under the Nonconforming Ordinance (Chapter 17.52) with the revised plans, and approval of a Parking Plan to allow tandem parking.

If the project is considered a new building due to the extent of the remodel (only two walls on the lower level and two walls on the main floor are proposed to remain) then 9 spaces are required. (2,903 sq. ft. / 333 sq. ft. = 9 spaces). If 9 spaces are required the owner must seek relief under a Parking Plan and either provide one in-lieu parking space or the Council must favorably consider the request to provide parking for a portion of the project expansion as "storage/warehouse" which is parked at a reduced parking ratio.

The owner is proposing to supply parking in tandem, which is unconventional and can be considered a parking deficiency. Section 17.44.210, Parking Plans allows for consideration of reduced parking under certain circumstances. The owner had also asked for consideration of a mezzanine as storage/warehouse space. The Planning Commission has previously considered storage parking similar to the warehouse parking providing the area is restricted to storage use and the owner records a covenant stipulating that the use will be maintained for storage only.<sup>2</sup> Parking for warehousing is

permitted at 1 space per 1000 sq. ft. Both tandem parking and the reduction in the required number of spaces (as storage related parking) require Parking Plan approval.

The reduction of parking based on use of the mezzanine space for storage/warehousing is unusual since this parking provision is typically applied in the manufacturing zone. Also the use of tandem parking for a retail use may not be an appropriate application for reduction of required parking under a Parking Plan (Section 17.44.210) to allow the 8 spaces proposed to be counted. Tandem parking is not typically the best solution for retail uses, as customer turnover is frequent, and is usually recommended for office uses where it is easier to manage. (The Hermosa Pavilion renovation project was approved with tandem parking for office uses, however, the parking will be managed by a parking operator). To address the management issue, the applicant proposes to use the back spaces for employee parking, allowing customer use of the spaces closest to the alley.

The applicant is also requesting consideration of the reduced parking pursuant to Section 17.44.210 based on the availability of on street parking, which is shared with other uses in the downtown with varying peak demand times. Specifically, nearby restaurants have their peak usage in the evenings, and therefore the street parking is typically available during the daytime. Section 17.44.210, Parking Plans, allows the City to consider reducing the on-site parking requirements based on factors such as the uniqueness of the proposed use, bicycle and walk in traffic, and peak hours of the proposed use relative to peak hours of other businesses who use the same parking, and other methods of providing parking.

The applicant must also obtain Coastal Commission approval, and the Coastal Commission will be concerned about weekend and seasonal beach access parking. In those times, the retail use will actually conflict with beach parking demand. Therefore, staff recommends that the applicant be required to remit parking in-lieu fees for 1 space to satisfy the balance of the parking requirement if the project is considered a new building with a total of 9 required parking spaces.

#### PRECISE DEVELOPMENT PLAN

Pursuant to Chapter 17. 58 of the Zoning Ordinance, a Precise Development Plan (PDP) is required because the combination of addition and remodel exceed 1,500 square feet. The project conforms to PDP requirements relating to compatibility with surrounding uses and general development standards. The project also meets the basic zoning requirement of the C-2 zone, as a 5-foot setback is provided adjacent to the residential property to the south, and the building is designed to comply with the 30-foot height limit. The project plans show a substantial modernization to a 1940's vintage building. The proposed use is also consistent with the general objectives expressed by the City Council relative to balancing the number of downtown restaurants with retail uses.

#### NONCONFORMING REMODEL

The extent of the project renovation to an old wood frame building was a concern to the majority of the Planning Commission and the nonconforming parking deficiency was the reason for their denial of the project. The Planning Commission questioned whether enough of the existing building could survive the demolition and reconstruction necessary for the expansion to be considered a remodel to an existing building<sup>3</sup>.

Staff will prepare a resolution based on the Council decision for review at the next meeting. If the project is approved, staff recommends the following conditions of approval:

1. A revised roof plan shall be submitted in compliance with Chapter 17.46 of the Zone Code relating to calculation of building height.
2. A wet stamped survey clearly identifying property corner elevations to comply with Chapter 17.46 of the Zone Code relating to calculation of building height.
3. The rear tandem parking spaces shall be assigned for employee use, with the outside spaces for customer use.

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Sol Blumenfeld, Director  
Community Development

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Stephen R. Burrell,  
City Manager

#### Attachments

1. Location Map
2. Photos
3. Planning Commission Minutes / Resolution

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<sup>1</sup> Section 17.44.140(D). Expansions to existing buildings nonconforming to parking are required to provide parking for the amount of expansion, if this is considered an expansion, the parking requirement is 4 additional spaces for a total of 5 spaces (expansion 1,458 square feet / 333 = 4 required spaces). The parking requirement for the gross floor area of the building, if not considered an expansion to a nonconforming building would be 9 spaces (2903 square feet / 333 = 9 required spaces). The requirement of 1 space per 333 square feet is the current requirement in the downtown, reduced from 1 space per 250 square feet. It should be noted that the Coastal Commission has not yet approved amending the City's Coastal Land Use Plan to allow this reduction.

<sup>2</sup> O'Kells Fireplace shop was permitted to remodel property with a storage area that will be unfinished and off limits to customers, allowing the retail shop to store and stock merchandise, and the applicant recorded a covenant restricting the use this area to storage purposes.

<sup>3</sup> Section 17.52.030 B of the Zoning Ordinance pertaining to expansion of nonconforming buildings allows a limited amount of structural removal as follows: roofs may be removed to add additional stories; up to 30% of existing linear feet of exterior walls and floor 30% of floor area; Planning Commission approval required to remove more than specified above. The subject project as originally submitted showed a removal of over 50% of the existing walls, so in denying the request the Commission made the following finding: The project is not consistent with the goals contained in Chapter 17.52, pertaining to nonconforming buildings, since the addition and remodel is not limited, and instead is essentially the complete reconstruction of the existing building. As shown on submitted plans, the amount of anticipated demolition exceeds 50%, and once commenced would likely involve more demolition than anticipated given the age of the building. Further the project involves structural changes, not yet evaluated by a structural

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engineer, that may make the proposed method of construction as shown on the plans infeasible, and may require complete demolition of the existing structure. As such, the project should be considered as new construction, and not afforded the benefits of maintaining its nonconforming condition with respect to parking.