

**CITY OF HERMOSA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

MEMORANDUM

Date: November 25, 2003

To: Honorable Mayor and Members
of the City Council

From: Sol Blumenfeld, Director
Community Development Department

Concur: Stephen R. Burrell
City Manager

Subject: Resolution to Sustain the Planning Commission Decision to Deny
a Precise Development Plan, Nonconforming Remodel and
Parking Plan – 238 Pier Avenue

Recommendation

Adopt the attached resolution.

The attached resolution reflects the decision of the City Council, at their meeting of November 12, 2003, to sustain the Planning Commission's decision to deny the Precise Development Plan, Nonconforming Remodel and Parking Plan for the proposed expansion to the commercial building at 238 Pier Avenue.

RESOLUTION 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE DECISION OF THE PLANNING COMMISSION TO DENY A REQUEST FOR A PRECISE DEVELOPMENT PLAN, NONCONFORMING REMODEL, AND PARKING PLAN TO ALLOW AN ADDITION AND REMODEL TO AN EXISTING COMMERCIAL BUILDING AT 238 PIER AVENUE LEGALLY DESCRIBED AS LOT 19, BLOCK 48, FIRST ADDITION TO HERMOSA BEACH

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

Section 1. An application was filed by Jeff Stoner, owner of property at 238 Pier Avenue, seeking approval of a Precise Development Plan, Nonconforming Remodel, and Parking Plan for an addition and remodel resulting in a greater than 50% increase in valuation, and a Parking Plan to provide required parking in tandem, and to include a storage area with parking requirements based on storage.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Precise Development Plan, Nonconforming Remodel, and Parking Plan on August 19, 2003, and considered testimony and evidence both written and oral. Based on the evidence, the Commission denied the requests.

Section 3. The applicant filed an appeal of the Commission's decision with revised plans, increasing the amount of tandem parking to a total of 8 spaces on site.

Section 4. The City Council conducted a duly noticed public hearing to consider the appeal on November 12, 2003, at which testimony and evidence, both written and oral, and the record of decision of the Planning Commission was presented to and considered by the City Council. Based on the testimony and evidence received the City Council makes the following factual findings:

1. The applicant proposes to substantially remodel and retrofit the existing building in order to expand the main floor and add a mezzanine level, and to provide additional parking in a parking garage at the ground floor.
2. The building was initially constructed as a residence in 1941. The most recent uses of the building have been for commercial purposes, although there is a history of joint residential and commercial use previous to the recent retail uses. The building is nonconforming to current parking requirements as only one space exists in the basement level with access from the alley, while six spaces would be required under current zoning for retail commercial uses.
3. The proposed plan involves an addition and complete remodel to the existing building, involving substantial demolition of both the interior and exterior, in order to change the building from a 1940's residential structure to a 30-foot high modern retail commercial building. The existing first floor will be completely remodeled to create a large open retail

space with added floor area in 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 (an increase of 7 spaces).

4. Pursuant to Chapter 17.58 a Precise Development Plan is required because the combination of addition and remodel exceed 1500 square feet.
5. Pursuant to Section 17.44.140(D) of the Zoning Ordinance expansions to existing buildings nonconforming to parking are required to provide parking for the amount of expansion. In this case, based on the current parking ratio of 1 space per 250 square feet of commercial retail space, the proposed 1,458 square foot addition requires 5 additional parking spaces if considered an expansion and 9 spaces if considered a new building.
6. The project requires approval, pursuant to Chapter 17.52 of the Zoning Ordinance, for an expansion/remodel of a nonconforming building exceeding 50% of the building valuation and removal of more than thirty 30 percent existing linear feet of the exterior walls or floor area. The project involves removing exterior walls of the basement and first floor levels, complete removal of interior walls on the first floor, and adding 731 square feet of new retail space and 727 square feet of storage space. The alterations and additions to the building results in a 100% increase in valuation assuming a lesser valuation for the storage area, and require removing at least 51% of existing exterior walls.

Section 5. Based on the foregoing factual findings the City Council makes the following findings pertaining to the application for a Precise Development Plan and a Nonconforming Remodel pursuant to Chapter 17.52 of the Zoning Ordinance.

1. In reviewing the project relative to the standards and review criteria for Precise Development Plans, Chapter 17.58, the project does not provide sufficient off-street parking to compensate for the construction of what is essentially new building, and the alternative method of providing the parking in tandem and considering a portion of the addition as storage, does not satisfactorily mitigate the parking need for the new commercial use.
2. 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 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.

Section 6. Based on the foregoing factual findings, the City Council makes the following findings pertaining to the application for a Parking Plan.

1. The plans do not provide the required parking for the addition in a manner that complies with the Zoning Ordinance, Chapter 17.44. The applicant is proposing to provide 8 additional spaces in tandem as an alternative, and proposes to use a portion of the addition for storage only to reduce the applicable parking requirement.

2. The Council concurs with the Planning Commission that the proposal to use tandem parking for the proposed increased square footage for retail use or to satisfy parking requirements for a new building, and to dedicate a portion of the addition for storage only is not an acceptable or appropriate alternative. The proposed parking is not sufficient to meet the standard set forth in Section 17.44.210, Parking Plans, as tandem parking is not appropriate for providing required parking for a retail use, and the dedication of a portion of the new addition for storage does not adequately address potential parking demand for the building should the storage area be used for other purposes.

Section 7. Based on the foregoing, the City Council sustains the Planning Commission decision to deny the subject Precise Development Plan, Nonconforming Remodel and Parking Plan.

PASSED, APPROVED and ADOPTED this th day of , 2003, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PRESIDENT of the City Council and MAYOR PROTEM of the City of Hermosa Beach,
California

ATTEST:

APPROVED AS TO FORM:

_____ CITY CLERK _____ CITY ATTORNEY

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