

**CITY OF HERMOSA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

MEMORANDUM

Date: April 27, 2004

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 and
approve the Precise Development Plan and Parking Plan for 238
Pier Avenue, subject to payment of parking in-lieu fees

Recommendation

Adopt the attached resolution.

Pursuant to Council direction on May 23, 2004, attached is the resolution to sustain the decision of the Planning Commission to approve the subject project subject to the payment of parking in-lieu fees for the deficient parking spaces.

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RESOLUTION 04-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, TO SUSTAIN THE PLANNING COMMISSION DECISION, UPON
RECONSIDERATION, TO APPROVE A REQUEST FOR A PRECISE
DEVELOPMENT PLAN AND PARKING PLAN FOR THE CONSTRUCTION OF A
RETAIL COMMERCIAL BUILDING, AND TO ALLOW THE PAYMENT OF FEES
IN-LIEU OF PARKING FOR FOUR (4) REQUIRED PARKING SPACES 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 for the construction of a retail commercial building and a Parking Plan to provide required parking through the payment of in-lieu fees and/or with tandem parking.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Precise Development Plan, and Parking Plan on February 17, 2004, and considered testimony and evidence both written and oral. Based on the testimony and evidence received the Planning Commission approved the project, subject to conditions.

Section 3. On February 24, 2004, the City Council, pursuant to Section 2.52.040, or the Municipal Code initiated review and reconsideration of the decision of the Planning Commission.

Section 4. The City Council conducted a duly notice public hearing to review and reconsider the decision of the Planning Commission on March 23, 2004, at which the record of the decision of the Planning Commission and testimony and evidence, both written and oral, was presented to and considered by the City Council.

Section 5. Based on evidence received at the public hearing, and the record of decision of the Planning Commission, the City Council makes the following factual findings:

1. The applicant proposes to demolish the existing building and to construct a new three level commercial building containing approximately 2,800 square feet of gross floor area with parking on the ground floor.

2. The proposed project involves the construction of a three level 30-foot high retail commercial building in a craftsman/bungalow style similar to the existing building. The floor plan includes parking on the ground floor accessed from the alley; with the bulk of the square footage on the first floor; and a mezzanine level accounting for 675 square feet.

3. Pursuant to Chapter 17.58 a Precise Development Plan is required for the proposed new construction.

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2 4. A Parking Plan is required pursuant to Section 17.44.210 as the applicant proposes to meet
3 parking requirements through a combination of providing parking in tandem and the use of parking in-
4 lieu fees.

5 Section 3. Based on the foregoing factual findings the City Council makes the following
6 findings pertaining to the application for a Precise Development Plan.

7 1. The project meets the basic zoning requirement of the C-2 zone, as a 5-foot setback is
8 provided adjacent to the residential property to the south, and the building is designed to comply with
9 the 30-foot height limit. Beyond these basic standards, the project plans show a substantial
10 improvement to a very old and under-utilized building, in an attempt to revitalize a prominent location in
11 the City's downtown. The architectural features of the proposed new building are consistent with the
12 existing style of architecture. Retail commercial use of this type is compatible with surrounding uses,
13 and consistent with the general objectives of the City Council to balance the existing preponderance of
14 restaurant and bar uses with retail uses.

15 2. The general criteria of Hermosa Beach Municipal Code Section 17.58.030 for granting or
16 conditionally granting a Precise Development Plan have been considered. In making this finding, the
17 Planning Commission has determined that:

- 18 a. The proximity of the project to existing residential uses will not result in negative effects, as the
19 project involves the replacement of an existing commercial building in the downtown district.
- 20 b. The amount of existing and proposed off-street parking, with the payment of in-lieu fees, will be
21 sufficient and complies with the requirements of the Zoning Ordinance.
- 22 c. The proposed continued use of the property for commercial purposes is compatible with the
23 area.
- 24 d. The capacity and safety of the streets serving the area is adequate for the traffic volume
25 estimated to be generated by the project.
- 26 e. The proposed exterior signs and decor are sufficiently compatible with existing establishments in
27 the area.
- 28 f. Building and driveway orientation is appropriate to minimize noise and traffic impacts on nearby
29 residential areas.
- g. The project will not result in adverse noise, odor, dust or vibration environmental impacts.
- h. The proposed use will not result in an adverse impact on the City's infrastructure and/or
services.

1 3. The criteria of Hermosa Beach Municipal Code Section 17.58.030(C) for denial of a Precise
2 Development Plan are not applicable. In making this finding, the Planning Commission has determined
3 that:

- 4 a. The project will not substantially depreciate property values in the vicinity, or interfere with the
5 use or enjoyment of property in such area, because of excessive dissimilarity or
6 inappropriateness of design in relation to the surrounding vicinity.
- 7 b. The project will not have significant environmental adverse impacts

8 Section 6. Based on the foregoing factual findings, and the findings for the Precise
9 Development Plan the Planning Commission makes the following findings pertaining to the application
10 for a Parking Plan.

11 1. Based on the parking ratio proposed for the downtown district of 3 spaces per 1,000 square
12 feet of office or retail space, the proposed 2,800 square foot building requires 8 parking spaces
13 pursuant to Section 17.44.040, (as recommended by the Planning Commission, and introduced by the
14 City Council but pending final adoption), pertaining to parking requirements for the downtown. The
15 applicant is proposing 8 spaces in tandem, and is requesting consideration that all of these spaces be
16 counted towards the requirement pursuant to Section 17.44.210, Parking Plans, which allows for
Commission consideration of reduced parking requirements. Further, the applicant is requesting to pay
a fee in-lieu of parking for the last required space pursuant to the new Section 17.44.040 for projects in
the downtown district.

17 2. The Council concurs with the Planning Commission finding that the proposal to use tandem
18 parking for the proposed square footage for retail use is not an acceptable or appropriate alternative,
19 and therefore finds that in order to approve the project parking, in-lieu fees must be provided for the
20 required parking not provided on-site in a manner consistent with the parking requirements.

21 Section 5. Based on the foregoing, the City Council hereby approves the subject Precise
Development Plan and Parking Plan subject to the following **conditions of approval.**

- 22 **1. The development and continued use of the property shall be in conformance with**
23 **submitted plans reviewed by the Planning Commission at their meeting of February 17,**
24 **2004, incorporating all revisions as required by the conditions below. Minor**
25 **modifications to the plan shall be reviewed and may be approved by the Community**
Development Director.
- 26 **2. The Parking Plan shall only become effective if the City Council adopts Text**
27 **Amendment 03-1, which reduces the required parking for retail and office uses in the**
28 **downtown district to 3 spaces per 1,000 square feet.**
- 29 **3. The applicant shall pay parking in-lieu fees for the number of required spaces deficient**
with no acceptance of tandem parking spaces as required spaces. Based on submitted
plans, the applicant is required to pay parking lieu fees for four (4) parking spaces.

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Said payment shall be made prior to issuance of any certificate of occupancy for the building.

4. A revised roof plan shall be submitted to demonstrate compliance with the maximum building height of 30-feet. The plans shall clearly show property lines, property corner elevations, and maximum height critical points on the roof plan. The roof plan shall clearly delineate all roof-top equipment and structures to verify compliance with Section 17.46.010, and to effectively hide or screen visibility of the roof-top equipment from public view.
5. Architectural treatment of the building shall be as shown on building elevations and site and floor plans. Any minor modification shall require approval by the Community Development Director.
 - a) The elevations shall include decorative wall and window treatment as shown on the submitted plans.
6. Occupancy of the building shall be limited to retail commercial uses and general or medical office uses which are subject to parking requirements of 3 spaces per 1,000 square feet of floor area.
7. The project shall comply with the requirements of the Fire Department and the Public Works Departments. Public Works Department requirements may include new street pavement to centerline of street, curb, gutter and sidewalk along property frontage, under grounding of overhead utilities, and new sewer lateral.
8. Final building plans/construction drawings including site, elevation, floor plan, sections, details, signage, landscaping and irrigation, submitted for building permit issuance shall be reviewed for consistency with the plans approved by the Planning Commission and the conditions of this resolution, and approved by the Community Development Director prior to the issuance of any Building Permit.
9. All exterior lights shall be located and oriented in a manner to insure that neighboring residential property and public right-of-way shall not be adversely affected.
10. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
11. Upon issuance of building permits the project shall proceed in compliance with the scope of work outlined on the plans and any further demolition or construction contrary to said plans will result in project delays in order for the City to review project modifications, and may require new plan submittals and Planning Commission review to proceed with construction work.

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- 12. Prior to issuance of building permits for demolition and construction, the contractor shall verify the structural integrity of the proposed walls to be retained with a structural inspection approved by the Community Development Director, with details incorporated on construction drawings. This may require further additional structural pest inspections and/or an inspection by a structural engineer.**
- 13. The Precise Development Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department.**
- 14. Each of the above Conditions of Approval is separately enforced, and if one of the Conditions of Approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.**
- 15. Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, 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.**
- 16. 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 own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.**
- 17. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.**

Section 7. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at 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.

PASSED, APPROVED, and ADOPTED this day of , 2004,

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

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ATTEST:

APPROVED AS TO FORM:

ATTORNEY

CITY CLERK

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