

February 14, 2005

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

**Regular Meeting of
February 22, 2005**

SUBJECT: RECONSIDERATION OF CONDITIONAL USE PERMIT 04-8, AND PRECISE DEVELOPMENT PLAN 04-27, FOR MOTOR VEHICLE SALES AND MOTOR VEHICLE REPAIR

LOCATION: 2775 PACIFIC COAST HIGHWAY

APPLICANT: LOTUS SOUTH BAY
HITCHCOCK AUTOMOTIVE RESOURCES
17340 E. GALE AVENUE
CITY OF INDUSTRY, CA 91748

Recommendation

To sustain the Planning Commission's decision to approve the request subject to the conditions as contained in the attached resolution.

Planning Commission Recommendation

The Planning Commission unanimously approved the subject request at their meeting of January 18, 2005, subject to site-specific conditions in the attached resolution.

Background

ZONING:	C-3
GENERAL PLAN:	General Commercial
LOT SIZE:	20,960 square feet
BUILDING AREA:	5,874 square feet
PARKING REQUIRED:	21 spaces
PARKING PROVIDED:	23 spaces
ENVIRONMENTAL DETERMINATION:	Negative Declaration

The subject property is located on the west side of Pacific Coast Highway in the middle of the block between Artesia Boulevard and 30th Street, and is currently vacated. A vehicle sales and service business is the previous occupant of the site. The property is separated from residential uses to the west by a "dead-end" service alley. Several of the residential lots have built substantial block walls (8-14 feet high) that serve as a buffer from the commercial uses along P.C.H, although one existing lot and another under construction use the alley to access their garages.

The site represents only the southerly most portion of the former Vasek Polak dealership franchises that previously occupied the properties from 2775 – 3001 P.C.H. These properties were operating under the terms of a Master Conditional Use Permit originally granted in 1989, and most recently amended in 1992.

At their meeting of December 16, 2004 the Staff Environmental Review Committee considered the environmental impacts of the project, and recommended an Environmental Negative Declaration. The site will be required to provide storm water management plans for the construction and post construction phases. This will include the provision a filter in the catch basin to filter pollutants from entering the storm drain system.

Analysis

The applicant proposes a two phased development program on approximately 1/3 of the former Vasak Polak BMW dealership and affiliated sites. In the first phase, the applicant plans to operate a Lotus sports car franchise on the site as currently developed, with a limited number of new cars for sale, and also sell a limited number of used vehicles and conduct auto repairs for BMW and Lotus. In the second phase, the existing sales building will be demolished and replaced with a new 3,977 square foot showroom and office facility. These uses are consistent with the prior use of the property as both a new and used cars sales and service business. Phase 2 includes construction of the new showroom, re-grading and resurfacing of the parking and display areas and utilization of the existing auto repair bays in the rear of the site. Pursuant to Section 17.26.030 of the Zoning Ordinance, a Conditional Use Permit is required for this new motor vehicle sales and motor vehicle repair business in the C-3 zone. A Precise Development Plan is required for the second phase of the project, which involves the construction of a new showroom.

Based on the number of parking spaces required for various commercial uses as specified in Section 17.44.030 of the Zoning Ordinance, the proposed motor vehicle sales use requires 21 parking spaces (1 space for every 1000 square feet of lot area). The plans show striping for 23 parking spaces, including 1 handicapped accessible space. In addition to the showroom, the plans also indicate an area on the site for vehicle storage and display, which does not interfere with the required parking.

The existing service bays are oriented to the side (south-facing) direction, and the applicant does not propose to alter the building, or change this orientation. The service bay and repair area is separated from the residential properties by an alley and existing block walls which help mitigate some of the noise impact associated with auto repair. Also, this side orientation is aesthetically more desirable when viewed from P.C.H.

Access to the site is available from both Pacific Coast Highway and the service alley to the rear. Given the proximity of the service alley to nearby residences, and that it directs traffic to residential streets (if using the alley, a vehicle must exit westbound on Gould Avenue), staff recommends that the primary access to the site be from P.C.H. Since some tow trucks and/or delivery vehicles may not be able to turn around on site, these vehicles will have to exit the site along the service alley. To minimize noise and traffic impacts in the residential area, the Commission included a condition that only one gate access be retained, and its use be controlled and limited for employee and delivery vehicles exiting the site, and controlled to prevent customer or general ingress or egress. Also, to alleviate potential noise concerns related to the service bays that are located at the rear of the site, the conditions of approval include a requirement for a 10-foot high block wall, and solid gate at the rear of the property.

While the Commission unanimously endorsed this project, it included standard conditions of approval, as recommended by staff, to mitigate possible negative impacts the proposed use could have on the adjacent residential properties as previously approved in Conditional Use Permits for motor vehicle sales and service businesses at this location and other locations within the city. These conditions include the following

1. Parking areas shall be striped and used pursuant to submitted plans and signs provided designating spaces for customer parking and employee parking.
2. All vehicle service shall be conducted inside the building. Outdoor work on vehicles is prohibited.
3. Display of vehicles for sale shall be limited to the designated areas and shall not block the entry/exit onto Pacific Coast Highway.
4. Public right-of-way shall not be used for the parking or storing of vehicles.
5. No storage of trucks, tractors, trailers and RV's in the parking and vehicle display areas or any other location on the premises.
6. Parking or stopping on the service alley for the delivery of vehicles to the site shall be prohibited. Deliveries shall occur on the premises, or in the case of large delivery trucks, along the curb within the P.C.H. right-of-way.
7. The operating hours of the sales business shall be limited to between 8:00 A.M. and 9:00 P.M. Monday through Friday and 10:00 A.M. and 9:00 P.M. Saturday and Sunday, and the auto repair shall cease at 7:00 P.M.
8. There shall be no outside bells, buzzers, public announcement system, or similar apparatus audible beyond the property lines.
9. No outdoor storage of derelict vehicles, auto parts, or other materials.
10. Any new signs for the limited auto sales portion of the business will require the submittal and approval of a comprehensive sign program for all the buildings on the property.
11. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance, Chapter 8.24 of the Hermosa Beach Municipal Code.
12. All exterior lights shall be located and oriented in a manner to insure that neighboring residential properties and public right-of-way shall not be adversely affected.
13. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.

Also specific conditions included for this site include:

1. If new and used car sales are to commence prior to the construction of the new building and regrading of the site, a phase 1 or interim site plan must be submitted showing the location of required customer employee parking, vehicle display areas, and the property shall be re-striped accordingly.
2. The primary entry and exit to the site shall be at Pacific Coast Highway, and shall be maintained clear for two-way ingress and egress at all times.
3. Only one gated access shall be permitted at the service alley and shall be controlled to prevent use of the service alley for customers or test-driving. The use of the gate shall be for exiting vehicles only, limited to employees and service personnel and as necessary for delivery vehicle or tow trucks to exit the site.
4. Provide a minimum 5-foot landscaping strip along the frontage at P.C.H.

5. Construct a new 10' height decorative block wall along the easterly property line and install a solid rolling gate in only one of the existing gate openings to help attenuate noise for residential properties to the west.

At the Planning Commission hearing, the applicant contested a proposed condition that prohibits use of the service alley for customers or test-driving. The applicant requested that the condition be reworded to state *that gated access to the service alley be controlled to limit uses* (rather than prevent use) *for customer or test-driving*.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell
City Manager

Attachments

1. Resolution to sustain the Planning Commission
2. Planning Commission Minutes
3. Location Map
4. Photographs

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RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE DECISION OF THE PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN TO ALLOW MOTOR VEHICLE SALES AND SERVICE AND ADOPTION OF A NEGATIVE DECLARATION AT 2775 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS A PORTION OF LOT A, TRACT 1594.

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

Section 1. An application was filed by Hitchcock Automotive Group seeking approval of a Conditional Use Permit and Precise Development Plan to allow motor vehicle sales and service including the construction of a new sales showroom at 2775 Pacific Coast Highway.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit and Precise Development Plan on January 18, 2005, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission. Based on the testimony and evidence received the Planning Commission approved the project subject to conditions, as contained in P.C. Resolution 05-3.

Section 3. On January 25, 2005, the City Council, pursuant to Section 2.52.040, 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 February 22, 2005, 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 is proposing to sell new automobiles and conduct motor vehicle repair and service at the subject location, which requires a Conditional Use Permit pursuant to Chapter 17.26 of the Zoning Ordinance, and to construct a new sales showroom, which requires a Precise Development Plan, pursuant to Section 17.58 of the Zoning Ordinance.
2. The subject property is located on the west side of Pacific Coast Highway in the middle of the block between Artesia Boulevard and 30th Street.
3. The existing vacated buildings and site, have previously been used for auto sales and repair, and the proposed alterations and improvements to the site include re-grading and resurfacing the parking area, the construction of a new building as for the sales offices and showroom, and a minor alteration/expansion to the existing building containing service bays for auto repair.
4. The subject property is designated General Commercial on the General Plan, and zoned C-3, and previously was used for auto sales and repair.

Section 6. Based on the foregoing factual findings the City Council makes the following findings pertaining to the application for a Conditional Use Permit and Precise Development Plan:

1. The general criteria of Hermosa Beach Municipal Code Section 17.40.020 for granting or conditionally granting a Conditional Use Permit in the C-3 zone have been considered, and the general

criteria of the Municipal Code Section 17.58.030 for granting a Precise Development Plan have been considered. In making this finding, the Planning Commission has determined that:

- a. The proximity of the business to existing residential uses to the west will not result in negative effects with incorporation of the conditions below.
- b. The amount of existing off-street parking facilities on the subject property is adequate for the proposed use.
- c. The use proposed is compatible with others in the area.
- d. Building and driveway orientation is appropriate to minimize noise and traffic impacts on nearby residential areas with incorporation of the conditions below.
- e. The business operations will not result in adverse noise, odor, dust or vibration environmental impacts.
- f. The proposed use will not result in an adverse impact on the City's infrastructure and/or services.
- g. The proposed business will not be materially detrimental to property or improvements in the vicinity and zone.
- h. The proposed business will be consistent with the General Plan and Zone Code because the C-3 zone permits motor vehicle sales and repair uses subject to a Conditional Use Permit.
- i. The C-3 zone, in which the proposed project is located, is intended to provide opportunities for the full range of office, retail and service businesses deemed suitable for the City and appropriate for Pacific Coast Highway pursuant to Section 17.26.020 of the Zone Code.

2. The City Council concurs with the Staff Environmental Review Committee's recommendation, based on their Environmental Assessment/Initial Study, that this project will result in a less than significant impact on the environment, and therefore qualifies for a Negative Declaration.

Section 7. Based on the foregoing, the City Council hereby sustains the approval of the Planning Commission and approves the subject Conditional Use Permit subject to the following **Conditions of Approval**

- 14. The development and continued use of the property shall be in conformance with submitted plans as reviewed by the Planning Commission at their meeting of January 18, 2005. A phase 1 or interim site plan shall be submitted showing the parking layout, and restriping of the site to provide required customer/employee parking, and vehicle display areas, and shall be implemented prior to establishing the interim use.**
- 15. The primary entry and exit to the site shall be at Pacific Coast Highway, and shall be maintained clear for two-way ingress and egress at all times.**
- 16. The gated access to the service alley shall be controlled to prevent use of the service alley for customers or test-driving. The use of the gate shall be for exiting vehicles only, limited to employees and service personnel, and as necessary for delivery vehicle or tow trucks to exit the site.**
- 17. A new 10' height decorative block wall shall be constructed along the westerly property line and a solid rolling gate in only one of the existing gate openings installed to help attenuate noise for residential properties to the west.**

18. A five-foot wide landscaping strip shall be provided and maintained along the P.C.H. frontage, pursuant to submitted landscape plans.
19. All vehicle service shall be conducted inside the building containing the service bays. Outdoor work on vehicles is prohibited.
20. Display of vehicles for sale shall not reduce or otherwise affect access to the customer parking identified on the plans, and shall be limited to the designated area within the vehicle showroom, and on the site.
21. Use of customer/employee designated parking spaces for displaying or storing of vehicles for sale shall be prohibited.
22. The alley shall not be used for the parking or storing of vehicles and signs shall be posted to prohibit parking in the alley.
23. Storage of trucks, tractors, trailers and RV's in the parking and vehicle display areas or any other location on the premises shall be prohibited.
24. Parking or stopping on the service alley for the delivery of vehicles to the site shall be prohibited. Deliveries shall occur on the premises, or in the case of large delivery trucks, along the curb within the P.C.H. right-of-way.
25. The operating hours of the vehicle sales business shall be limited to between 8:00 A.M. and 9:00 P.M. Monday through Friday and 10:00 A.M. and 9:00 P.M. Saturday and Sunday, this includes parts deliveries, car washing, and operation of automatic machinery such as air or water compressors, in order to minimize noise impacts to adjacent residential uses. The operating hours for the repair portion of the business located in the service bays shall be limited to between 8:00 A.M. and 7:00 P.M. Monday through Friday and 10:00 A.M. and 7:00 P.M. Saturday and Sunday.
26. There shall be no outside bells, buzzers, speakers, public announcement system, or similar apparatus.
27. No outdoor storage of derelict vehicles, auto parts, or other materials. All parking areas shall be maintained free and clear of unregistered or derelict vehicles, parts or other materials at all times.
28. Any new signs will require the submittal and approval of a comprehensive sign program for all the buildings on the property.
29. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance, Chapter 8.24 of the Hermosa Beach Municipal Code, and shall not create a nuisance to surrounding residential properties and/or commercial establishments. Noise emanating from the property shall be monitored to verify compliance with the noise ordinance in response to any complaints.
30. All exterior lights shall be located and oriented in a manner to insure that neighboring residential properties and public right-of-way shall not be adversely affected.
31. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.

- 32. The landscaped planter along Pacific Coast Highway shall be planted with appropriate shrubs and accent plants to the satisfaction of the Community Development Director.**
- 33. A detailed drainage and Stormwater Pollution Prevention Plan is required for approval by the Public Works Department, and implemented on site, demonstrating that on-site drainage will be diverted to a filtering system with final specification subject to approval by the Public Works Department.**
- 34. The applicant is responsible for all off-site right-of-way construction required by the Public Works Department.**
- 35. The project shall comply with the requirements of the Fire Department.**
- 36. 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.**
- 37. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.**
- 38. The Conditional Use Permit shall become null and void if not executed within two years of the date of the approval of this Resolution.**

Section 8. 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.

The Conditional Use Permit and Precise Development Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

Each of the above conditions 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.

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.

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.

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.

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

PASSED, APPROVED, and ADOPTED this day of , 2005,

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

ATTEST:

APPROVED AS TO FORM:

_____ CITY CLERK _____ CITY ATTORNEY