

P.C. RESOLUTION 22-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING PARKING PLAN (PARK 21-01) TO RENOVATE AND EXPAND AN ASSEMBLY HALL (THE COMEDY AND MAGIC CLUB) AND RESTAURANT (THE LOUNGE) AT 1018 HERMOSA AVENUE, INCLUDING ADDITION OF 147 SQUARE FEET TO MAIN SHOWROOM WITH 100 ADDED SEATS; AND ENCLOSURE OF EXISTING OUTDOOR RESTAURANT AREA OF 399 SQUARE FEET WITH NO ADDED SEATS, AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

Section 1. An application was filed by Architect William (BJ) Wickett, seeking approval of a conditional use permit amendment and parking plan to renovate and expand an assembly hall use (The Comedy and Magic Club) and restaurant use (The Lounge) at 1018 Hermosa Avenue. The previous conditional use permit amendment was approved in 1990 and acknowledged existing parking deficiencies at that time.

Section 2. The Planning Commission conducted a duly noticed public hearing on February 15, 2022, to consider the application for a Parking Plan (PARK 21-01) in conjunction with an Amendment of Conditional Use Permit 21-09 (CUP 21-09) at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. The proposed project is Categorically Exempt, Section 15301(e), Class 1 Exemption, Additions to existing structures provided that the addition will not result in an increase of more than 50% of floor area, or 2500 sq. ft., whichever is less. The renovation of the existing structure and addition of 546 sq. ft. or 5.8% of floor area is well under the CEQA exemption limits and will not create adverse environmental impacts as conditioned.

Further, none of the exceptions to the CEQA exemptions apply. The project will not have cumulative impacts, will not damage scenic resources, is not located on a hazardous waste site and will not have a substantial adverse change in the significance of a historical resource. There is no reasonable possibility that the proposed project will have a significant effect on the environment due to unusual circumstances.

Section 4. Based on the testimony and evidence received, the Planning Commission makes the following factual findings pursuant to Hermosa Beach Municipal Code Section 17.44.210 pertaining to the application for a Parking Plan:

Parking Plan Criteria, Conditions and Standards

HBMC Section 17.44.210 states that a parking plan may be approved by the planning commission to allow for a reduction in the number of spaces required. The applicant shall provide the information necessary to show that adequate parking will be provided for customers, clients, visitors and employees or when located in a vehicle parking district, the applicant shall propose an in-lieu fee according to requirements of this chapter.

17.44.210 Factors to be considered

A. Van pools,

Van pools are not proposed with this application; however, carpooling should be encouraged for employees working the same shifts. For this reason, a new condition of approval has been added to the Parking Plan resolution encouraging employees working the same shifts to carpool when possible.

Applicant shall encourage employees working the same shifts to carpool when possible.

B. Bicycle and foot traffic.

The daytime uses are expected to generate greater bicycle and foot traffic than the nighttime uses. There is an opportunity identified in the parking study to add employee bike racks to offset demand for one parking space. A new condition of approval has been added to add racks for securing bicycles:

Applicant shall install racks for securing five bicycles on the rooftop deck for employee use.

C. Common parking facilities.

The Comedy and Magic Club and restaurant uses established in 1978 and amended by CUP in 1990 which allowed the use to be established in an existing building with 35 on-site parking spaces. Pursuant to P.C. Resolution 90-62 findings noted the mix of uses was "significantly deficient to current zoning requirements for parking." Further, the 1990 expansion into an adjacent vacant restaurant space to expand the existing restaurant/café operation and found that "by limiting the expansion to primarily restaurant purposes, the expansion into existing restaurant space did not increase the deficiency in parking for the building" and required the lot to be re-stripped to provide 40 spaces.

D. Varied work shifts.

Employees provide a variety of tasks, including parking assistance, doormen, kitchen staff and servers, with the greatest number at one time a total of 40, though most often it is fewer. Shifts vary according to staffing needs, especially in The Comedy and Magic Club showroom based on frequency of performances, which varies from week to week.

E. Valet parking.

While no valet parking is proposed as part of this application, the applicant currently uses an attendant managed self-parking system that allows for greater parking capacity in conjunction with performances. A condition of approval has been added to continue the managed self-parking system:

The business shall maintain its attendant managed self-parking system that allows for greater parking capacity in conjunction with performances.

F. Unique features of the proposed uses.

For performances where tickets are sold, both in The Comedy and Magic Club main showroom and sometimes in the restaurant area with entertainment, the number of tickets sold before the show helps to identify the staffing needs. Some performers will draw audiences from beyond the immediate region who will stay in nearby hotels and walk to the show. Another unique feature of a venue that attracts audiences from surrounding areas is that patrons, who had been unfamiliar with Hermosa Beach and Downtown area, will come to see a performance and then plan to come back to experience the City to shop, dine, or for an overnight stay.

G. Other methods of reducing parking demand.

In 2019, as recommended in the Coastal Parking Management Plan, the City added three rideshare drop-off locations within two blocks both north and south along Hermosa Avenue on both the east and west sides of the street: in front of Hermosa Brewing Co. on the east side of Hermosa Avenue near 13th Street, just south of Pier Plaza on the west side of Hermosa Avenue in front of the Bank of America building, and on the west side of Hermosa Avenue near 11th Street in front of Parking Lot A. Rideshare availability makes it safe to drop off and pick up visitors to the area. They all are identified with rideshare signs and are shown on rideshare apps (such as Uber, Lyft and taxi services) for easy use by drivers and patrons. Rideshare usage is expected to continue to grow, including for a segment of the population who are turning to these services instead of driving personal vehicles.

H. Peak hours of the proposed use as compared with other uses sharing the same parking facilities especially in the case of small restaurants or snack shops in the downtown area or in multi-tenant buildings.

As described in the applicant's project description, the peak time for parking for The Comedy and Magic Club is for the typical 8:00 P.M. show. Doors open at 6:30 P.M., with the parking lot opened at about 6:00 P.M., with frequent exiting between 9:30 P.M. and 10:30 P.M.

Section 5. Based on the foregoing, the Planning Commission hereby **approves** the proposed Parking Plan amendment 21-1 subject to the following **Conditions of Approval:**

- 1. Applicant shall encourage employees working the same shifts to carpool when possible.**
- 2. Applicant shall install 5 bike racks on the rooftop deck for employee use.**
- 3. Gates to the parking lot shall remain open for customer parking when either business is open.**

4. The business shall maintain its attendant managed self-parking system that allows for greater parking capacity in conjunction with performances.
5. Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least sixty (60) days prior to the expiration date. No additional notice of expiration will be provided.

Section 6. This permit 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 permit.

The Parking Plan amendment 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.

To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

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 permit. 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 permit 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. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the final decision on this Parking Plan (either by the Planning Commission, or the City Council should they take jurisdiction of the project), must be made within 90 days after the final decision.

VOTE:

AYES: 5- Commissioner Saemann, Commissioner Hoffman, Commissioner Izant,
Vice Chair Pedersen and Chair Rice
NOES: None
ABSTAIN: None
ABSENT: None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 22-01 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at its regular meeting of February 15, 2022.


Marie Rice, Chair


Ken Robertson, Secretary

February 15, 2022
Date