

P.C. RESOLUTION 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW VEHICLE SALES/RENTAL AND GENERAL REPAIR/SERVICE FOR AN ELECTRIC VEHICLE DEALERSHIP (E3 VEHICLES) WITHIN AN EXISTING BUILDING, AND TO ALLOW LIMITED OUTDOOR VEHICLE DISPLAY, ON A 3,163 SQUARE FOOT LOT IN THE SPA-7 (SPECIFIC PLAN AREA 7) ZONING DISTRICT AT 619 PACIFIC COAST HIGHWAY; AND DETERMINING 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 on May 24, 2018, seeking approval of a Conditional Use Permit amendment 18-6 to allow vehicle sales/rental and general repair/service for an electric vehicle dealership (E3 Vehicles) within an existing building, and to allow limited outdoor vehicle display, on a 3,163 square foot lot in the SPA-7 (Specific Plan Area 7) zoning district at 619 Pacific Coast Highway; and determination that the project is Categorically Exempt from the California Environmental Quality Act (CEQA).

SECTION 2. The Planning Commission conducted a duly noticed public hearing on March 20, 2018, to consider the application for the Conditional Use Permit amendment at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

SECTION 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. Located in the Specific Plan Area 7, on the west side of Pacific Coast Highway (PCH) between 6th Street and 8th Street, the subject site at 619 PCH was previously occupied by Southbay Auto Upholstery, a motor vehicle general repair, service, installation use.
2. The subject site contains a single-tenant two-story building with approximately 35-feet of frontage along PCH.
3. The SPA-7 zone includes areas located on the east and west sides PCH. The sale and rental of new or used motor vehicles, including storage and incidental maintenance, requires approval of a Conditional Use Permit (CUP) within the SPA-7 zone.
4. The site area totals 3,160 square feet and requires three parking spaces. The current site contains eight parking spaces (4 of which are located in tandem) and are provided at the rear (west of the subject site).
5. The capacity and building square footage will not be increased.
6. The second floor office area is ancillary to the first floor electric vehicle sales/rental and general repair/service use.

SECTION 4. This project is Categorically Exempt pursuant to Section 15301(a) of the California Environmental Quality Act Existing Facilities, in that the proposal pertains to an existing facility and involves only minor alterations of the interior/exterior and a change of use. The vehicle sales/rental and general repair/service (with ancillary office use) for a neighborhood electric vehicle dealership (E3 Vehicles) requires a Conditional Use Permit (CUP) to ensure that the use will be compatible with surrounding uses.

SECTION 5. Based on the foregoing factual findings the Planning Commission makes the following findings for the Conditional Use Permit amendment pursuant to Hermosa Beach Municipal Code Section 17.40.020, finding that the use as conditioned will be compatible with the surroundings and all impacts can be reduced to an insignificant level:

A. *Distance from existing residential uses;* The nearest residential uses are located within the R-2 (Two-Family Residential) zone, northwest of the site, across the rear alley and parking lot and within a private residential community containing eight units. The nearest residential unit building wall is located approximately 120 feet from to the subject rear (west) building. The 1,544 square foot first floor area will be utilized for the NEV sales/rental and general repair/service use and will contain a front desk/reception office, a showroom for display of the NEVs for sale and for rent, one restroom and a mechanical closet. The 603 square foot second floor will be utilized for ancillary office use and will consist of three offices and one restroom. The project is conditioned to require that the second floor office area remain ancillary to the first floor electric vehicle sales/rental and general repair/service use and shall only be used by the employees of the business. The rear (west) parking area currently provides eight parking spaces and is proposed to provide seven parking spaces. A minimum of three non-tandem parking spaces (as identified on the plans) will be provided for customers and employees and the remaining four spaces in tandem may store electric vehicles. A trash enclosure will be located at the northwest corner of the site and will occupy the prior northwest parking stall. A condition of approval is included requiring that a trash enclosure facility capable of accommodating a minimum two cubic-yard roll off container be located at the northwest corner of the site, and that the area be adequately signed to prohibit parking within the designated trash enclosure location.

All noise from the vehicle sales/rental and general repair/service operations will be fully contained within the building. The operation hours are limited to 9am-5pm daily with 1 shift per day containing approximately three employees with maximum number of people on-site anticipated to be six persons. Pursuant to HBMC Section 8.24.040, the City's Noise Ordinance restricts commercial activities that are plainly audible from a residential dwelling unit's property line from 10:00 p.m. to 8:00 a.m. daily. Therefore, adverse impacts to existing residential uses are not anticipated.

B. *The amount of existing or proposed off-street parking facilities, and its distance from the proposed use;* The previous upholstery shop use and the proposed NEV sales/rental and general repair/service use require the same amount of parking. Automobile sales (and rental) uses as well as motor vehicle general repair, service, installation use (upholstery shops) require one space for each 1,000 square feet of site area per HBMC Section 17.44.030(B).

The site area totals 3,160 square feet and requires three parking spaces. The ancillary office use does not require additional parking as the use supports the primary use and will not result in additional employees, customers, or parking demand. The current site contains eight parking spaces (4 of which are located in tandem) and are provided at the rear (west of the subject site). Parking is accessed from a 20-foot wide alley extending north from 6th Street. An existing sliding metal gate measuring approximately 18 feet wide and 6 feet high provides access to the rear parking spaces. All parking spaces meet the minimum stall dimensions of 8'6" wide by 18 feet deep. A minimum of three non-tandem parking spaces (as identified on the plans) will be provided for customers and employees and the remaining four spaces in tandem may store electric vehicles. A trash enclosure will be located at the northwest corner of the site and will occupy the prior northwest parking stall. In addition, five NEVs are proposed to be displayed/ parked within the building. The site provides required on-site parking which is sufficient for the proposed use.

- C. *Location of and distance to churches, schools, hospitals and public playgrounds;* There are no nearby churches, schools, hospitals or public playgrounds. The nearest sensitive receptor is Wave Church which is located approximately 1,150 feet northwest of the subject site. Therefore, the proposed use will not affect sensitive receptors.
- D. *The combination of uses proposed;* The subject site is located between Learned Lumber and Sherwin-Williams paint, both retail uses. The proposed NEV sales/rental and general repair/service use will compliment nearby auto, sales, service and repair uses such as Rock n' Roll Car Wash, Casey's Cars Inc., Casey's Premium Cars, Jama Auto House Inc., Enterprise Rent-A-Car, Dr. Auto Tech, and Jim and Jack's Collision Center.
- E. *Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses;* None noted.
- F. *The relationship of the proposed business-generated traffic volume and the size of streets serving the area;* No additional trips are anticipated to be generated from the proposed vehicle sales/rental and general repair/service (with ancillary office use) because the capacity and building square footage will not be increased. Therefore, no additional trips are anticipated for the proposed business.
- G. *The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;* Proposed signage will require a separate sign permit application and no exterior/facade modifications are proposed. The project is conditioned such that outdoor product display and signage of any kind (including A-frame signage) within the public right-of-way are prohibited and the public right-of-way shall remain clear of obstructions at all times. These conditions have been included to prohibit NEVs from being parked off-site and to prohibit off-site advertising impacts on the community.
- H. *The number of similar establishments or uses within close proximity to the proposed establishment;* PCH contains a mixture of commercial uses, a number of which are similar and complementary uses to the proposed sales/rental and general repair/service use, such as Rock n' Roll Car Wash, Casey's Cars Inc., Casey's Premium Cars, Jama Auto House Inc.,

Enterprise Rent-A-Car, Dr. Auto Tech, and Jim and Jack's Collision Center. E3 Vehicles will help supplement other automobile focused businesses that currently operate in Hermosa Beach.

- I. *Noise, odor, dust and/or vibration that may be generated by the proposed use;* The majority of general repair and service conducted will include battery exchanges (all recyclable), brake jobs, and cosmetic upgrades that do not require heavy machinery to perform. Low speed vehicle batteries are fully recyclable. Battery distributors will drop off the new batteries and will take the old battery cores. The new batteries will then be installed within the customer's vehicle. At no time will the business store or have an on hand inventory of batteries. Additionally, all old brake parts/pads are returned to the manufacturer to be recycled. Cosmetic upgrades include lights, seats, radios, roof racks, fenders, grills, and brush guards in which installations are simple electrical and manual installations that do not emit smoke, dust or odors. Because the business will work with electrical drive systems, there will be no fluid, fumes or smoke emitted during repairs. Noise generated is limited to activities associated with the service component which requires use of hand drills.

HBMC Section 8.12 requires adequate solid waste collection and disposal facilities for all developments. The plans identify a location at the northwest corner of the site to accommodate the required trash enclosure facility to serve the site. A condition of approval is included requiring that a trash enclosure facility capable of accommodating a minimum two cubic-yard roll off container be located at the northwest corner of the site, and that the area be adequately signed to prohibit parking within the designated trash enclosure location.

The building contains two garage style roll up doors and two pedestrian doors (one of each are accessed from PCH and the others from the rear/west of the building). All windows are fixed and single-pane. Like other vehicle service uses, the building does not provide an air conditioning system. As such, to mitigate potential noise impacts generated from the general repair/servicing of NEVs; conditions of approval are included in the draft resolution to ensure compatibility of the proposed use with surrounding uses, such as maintaining a neat and clean premises, requiring all vehicle sales/rental and general repair/service be conducted indoors, all doors shall remain closed during all general repair and service of vehicles within the designated area located at the southwest corner of the interior of the building, and no entertainment, music, speakers, televisions, or audio or visual media of any type, whether amplified or unamplified, shall be provided on or off-site. The practice of washing and rinsing floor mats, equipment, tables, etc., or discharge of any liquids, other than Stormwater, onto the public right-of-way, into the parking lot drain or storm drains is prohibited. Discharge of liquids or wash water shall be limited to the sanitary sewer. The proposed use, as conditioned, is not anticipated to increase adverse impacts.

- J. *Impact of the proposed use to the city's infrastructure, and/or services;* The existing site has available utilities and services. The site has historically been occupied by a motor vehicle general repair, service, installation use (upholstery shop). Therefore, the similar proposed sale and rental of new or used motor vehicles with ancillary office use will be sufficiently served by existing infrastructure and services.

K. *Will the establishment contribute to a concentration of similar outlets in the area;* The site has historically operated as a motor vehicle upholstery shop use and the transition to a NEV sales/rental and general repair/service use is a similar use. The proposed use will not add to the concentration of similar outlets in the area because E3 Vehicles will be the first NEV dealer and rental business in the city.

L. *Other considerations that, in the judgment of the Planning Commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.*

The section of PCH in front (east) of the subject site is limited to a 30 mile per hour speed limit. Electric vehicles are limited to streets which provide a 35 mile per hour speed limit. Therefore, NEVs may be driven for personal use and for test driving along PCH and neighboring residential streets which contain a 35 mile per hour (mph) speed limit. Parking is prohibited on the southbound side of PCH between the hours of 3pm and 7pm Monday through Friday (except holidays) and is limited to 2 hour parking between the hours of 7am and 3pm. The project is conditioned to prohibit outdoor product display and signage of any kind (including A-frame signage) within the public right-of-way and the public right-of-way shall remain clear of obstructions at all times.

SECTION 6. Based on the foregoing, the Planning Commission hereby approves the requested Conditional Use Permit amendment, subject to the following **Conditions of Approval:**

- 1. The proposed project shall be substantially consistent with plans submitted and approved by the Planning Commission on July 17, 2018. Minor modifications that do not affect scale, type, location or intensity of uses or impacts thereof may be approved by the Community Development Director when not in conflict with the findings or conditions of this permit or the Municipal Code. Any substantial deviation must be reviewed and approved by the Planning Commission.**
- 2. The second floor office area is ancillary to the first floor electric vehicle sales/rental and general repair/service use and shall only be used by the employees of the business.**
- 3. Seven on-site parking spaces shall be provided and maintained at the rear (west) of the subject site.**
- 4. A minimum of 3 parking spaces as designated on the plans shall be provided for customers and employees and the remaining 4 tandem spaces may be used to store electric vehicles.**
- 5. The hours of operation shall be limited to between 8:00 A.M. and 5:00 P.M. daily.**
- 6. All vehicle sales/rental and general repair/service shall be conducted indoors.**
- 7. All doors shall remain closed during all general repair and service of vehicles within the designated area located at the southwest corner of the interior of the building.**

- 8. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance (Hermosa Beach Municipal Code Chapter 8.24) and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.**
- 9. No entertainment, music, speakers, televisions, or audio or visual media of any type, whether amplified or unamplified, shall be provided on or off-site.**
- 10. Management shall be responsible for maintaining noise volumes at reasonable levels.**
- 11. Outdoor product display and signage of any kind (including A-frame signage) within the public right-of-way is prohibited.**
- 12. The public right-of-way shall remain clear of obstructions at all times.**
- 13. A trash enclosure facility capable of accommodating a minimum two cubic-yard roll off container shall be located and maintained at the northwest corner of the site and the area shall be adequately signed to prohibit parking within the designated trash enclosure location.**
- 14. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.**
- 15. A manager who is aware of the conditions of this Conditional Use Permit shall be on the premises during business hours. The Conditional Use Permit shall be maintained on the premises in a location where employees can easily read the conditions.**
- 16. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
- 17. The project and operation of the business shall comply with all applicable requirements of the Hermosa Beach Municipal Code.**
- 18. The practice of washing and rinsing floor mats, equipment, tables, etc., or discharge of any liquids, other than Stormwater, onto the public right-of-way, into the parking lot drain or storm drains, is strictly prohibited. Discharge of liquids or wash water shall be limited to the sanitary sewer.**
- 19. Exterior and interior water use shall comply with Chapter 8.56.**
- 20. The operation shall comply with all requirements of the Building, Fire and Public Works Departments.**

21. The project shall maintain in conformance with all other applicable City of Hermosa Beach and regulatory agency requirements and standards, including but not limited to: California Disabled Access Standards (Government Code Title 24) and Los Angeles County National Pollutant Discharge Elimination System Permit (NPDES).

22. 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 60 days prior to the expiration date. No additional notice of expiration will be provided.

SECTION 7. 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 Conditional Use Permit 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.

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.

SECTION 8. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

VOTE: AYES:
 NOES:
 ABSENT:
 ABSTAIN:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 18-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their adjourned regular meeting of July 17, 2018.

Marie Rice, Chairperson

Ken Robertson, Secretary

July 17, 2018

Date