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P.C. RESOLUTION 08-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN AMENDMENT TO MODIFY THE ALLOCATION OF USES TO INCLUDE A WINE STORAGE FACILITY FOR PRIVATE WINE COLLECTORS OF 10,069 SQUARE FEET OF CLIMATE CONTROLLED STORAGE AREA WITHIN THE HERMOSA PAVILION 1601 PACIFIC COAST HIGHWAY

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

Section 1. An application was filed by Mr Gene Shook, owner of property comprising the project site at 1601 Pacific Coast Highway, California 90254, known as the Hermosa Pavilion, on behalf of Ideal 55 Wine Storage Co. seeking approval of a Parking Plan Amendment to modify and update the allocation of uses on-site.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the parking plan amendment on April 15, 2008 and considered testimony and evidence, both written and oral. Based on said testimony and evidence received the Planning Commission makes the following factual findings:

1. On August 19, 2003, the Planning Commission adopted PC Resolution 03-45 to approve a Precise Development Plan and Parking Plan to remodel and expand an existing commercial building and to allow shared parking to accommodate a new allocation of uses on-site, including a health and fitness facility, office, retail and restaurant uses with ancillary storage. The Precise Development Plan and Parking Plan were amended by PC Resolution 06-16, sustained by CC Resolution 06-6513, to increase the restaurant allocation from 4,000 to 8,000 square feet and other minor modifications that have occurred since 2003. CC Resolution 06-6513 required a review of traffic and parking capacity at the site once the permitted uses have been fully operational for six months.

2. The site is zoned SPA-8/C-3 (General Commercial) allowing the provision of hobby/craft commercial services and supplies.

3. Mr Gene Shook, 1601 Pacific Coast Highway, Hermosa Beach has submitted this application to amend the above Parking Plan and modify the allocation of uses on-site to include a wine storage facility for private wine collectors of 10,069 square feet on the Hermosa Pavilion site bordered by Pacific Coast Highway to the east and 16th Street to the south.

4. The applicant intends to install the wine storage facility on the basement level of the Hermosa Pavilion in the south western section of the site, adjacent to the existing Hermosa Pavilion Parking Structure. This space is currently allocated as ancillary restaurant storage and is a double height space with a floor area of 5,100 square feet. The applicant will install a

1 mezzanine floor to create 10,069 square feet of refrigerated storage area over two levels. The
2 ground floor will have 5,004 square feet of storage and the mezzanine 5,065 square feet of
3 storage.

4 5. The facility has two separate accesses. Firstly, via an existing access door off Parking
5 Level 1 into the facility's ground floor lobby and, secondly, a proposed new access off Parking
6 Level Two to the mezzanine floor. The internal layout will provide a 4' circulation corridor and
7 access to approximately 232 wine storage lockers (approx. 2' wide by 4' depth) and 78 wine
8 storage rooms (approx. 5' wide by 8' depth). The applicant estimates approximately 300,000
9 bottles could be stored on-site.

10 Section 3. Based on the foregoing factual findings the Planning Commission makes the
11 following findings pertaining to the application to amend the parking plan and use allocation to
12 include a wine storage facility for private wine collectors within 10,069 square feet of climate
13 controlled storage area:

14 1. The site is zoned SPA-8/C-3 (General Commercial) which permits hobby and craft
15 supplies and service. The Hermosa Pavilion site is deemed suitable for the proposed use,
16 consistent with the character of the Pacific Coast Highway commercial corridor and is
17 sufficiently secured within a multi-tenant building so will not have any significant impacts on
18 neighboring residential uses.

19 2. The proposal complies with the development standards for the SPA-8/C-3 (General
20 Commercial) zone (MC 17.26.050) including that merchandise on-site will not being sold other
21 than at designated retail sales areas;

22 3. The storage facility will have separate access to/from the Hermosa Pavilion Parking
23 Structure.

24 4. The existing Hermosa Pavilion parking structure provides 496 spaces and the current
25 allocation of uses generates the requirement for 420 parking spaces at peak am and pm flows
26 (Walker Consultants, December 2006). This leaves a surplus of 76 spaces available. The parking
27 demand for the proposed use will have little impact (estimated demand of 10 per day) which can
28 be accommodated within the existing 76 space surplus.

29 5. The imposition of conditions, including limiting the type of alcohol permitted for storage
and sale, the hours of operation and a review of parking capacity once the Hermosa Pavilion uses
have been operational for six months should mitigate any adverse impacts on nearby residential
or commercial properties.

6. Pursuant to section 15332, Article 19 of the California Environmental Quality Act (CEQA)
Guidelines, the project is categorically exempt from the provisions of CEQA in that it: 1) is
consistent with applicable general plan and zoning policies, designations and regulations 2) is
located on a site of less than five acres and is substantially surrounded by urban uses 3) has no value
as habitat for endangered, rare or threatened species 4) will not result in any significant effects

relating to traffic, noise air or water quality, and 5) will be adequately served by utilities and public services.

7. The proposed use is consistent with the goals and policies of the Municipal Code and the General Plan.

8. The applicant has not submitted plan details outlining:

- a. Waste and refuse collection, including frequency of refuse collection and capacity of on-site storage.
- b. Ventilation and Refrigeration, including details of proposed mechanical system and the location of external vents.

The applicant is required to submit the above details prior to the City's issuance of final Building Permits.

Section 4. Based on the foregoing, the Planning Commission hereby approves the amendment to the Parking Plan and the allocation of uses subject to the following **Conditions of Approval**:

1. The development and continued use of the property shall be in conformance with submitted plans as revised and reviewed by the Planning Commission at their meeting of April 15, 2008. Any minor modification may be approved by the Community Development Director.
2. The Parking Plan approval, as set forth in PC Resolution 03-45, as amended by PC Resolution 06-16 and again by City Council Resolution 06-6513 (September 2006), is further amended with respect to the allocation of uses, which shall be substantially consistent with the following new allocation:

Table 1: Current and Proposed Land Use Allocation (square feet)		
Land Use	Previous Allocation (Resolution 06-6513)	New Allocation
Health and Fitness Facility	46,000	No change
Office	20,400	No change
Day Spa	13,000	No change
Retail	9,600	No change
Restaurant (including food related sales)	8,000	No change
Auditorium	3,000	No change
General Storage	10,600	5,500
Wine Storage	0	10,100
Total	110,600	115,600

1 Any material change to this allocation that increases parking demand will require
2 written approval by the City of Hermosa Beach.

- 3 3. Architectural treatment of the building shall be as shown on building elevations and
4 sections and site and floor plans.
- 5 4. Alcohol stored at the wine storage facility shall be permitted for sale only within the
6 restaurant or wine retail shop located on the ground floor level of the Hermosa
7 Pavilion.
- 8 5. Heavy goods vehicles servicing the site must conduct all deliveries and collections in the
9 allocated truck loading area, as shown on approved drawing Reference Sheet 6 of 13 by
10 Keisker & Wiggle Architects, dated July 29, 2003 (Resolution PC03-45).
- 11 6. The applicant shall submit details of waste and refuse collection for written approval by
12 the City prior to the issuance of final Building Permit.
- 13 7. The applicant shall submit a roof plan showing the location, type and height from
14 finished roof level for all roof vents installed in connection with the climate controlled
15 wine storage facility for written approval by the City prior to the issuance of the final
16 Building Permit. All vents shall be located so minimize their visibility when viewed
17 from public areas.
- 18 8. The applicant shall submit details of proposed internal fire safety systems for written
19 approval by the City prior to the issuance of the final Building Permit.
- 20 9. The project shall comply with the requirements of the Fire Department.
- 21 10. The business shall provide adequate staffing, management and supervisory techniques to
22 prevent public nuisance and unruliness of patrons outside the business.
- 23 11. No drinking shall be permitted within the wine storage facility.
- 24 12. The exterior of the premises shall be maintained in a neat and clean manner and
25 maintained free of graffiti at all times.
- 26 13. Two hour free validated parking shall be provided to patrons of the wine storage facility
27 for use within the Hermosa Pavilion parking structure and signs shall be prominently
28 displayed at the storage facility entrances and within the storage facility to promote the
29 parking validation program.
14. Final building plans/construction drawings including site, elevation, floor plan, sections,
details and signage submitted for building permit issuance shall be reviewed for
consistency with the plans approved by the Planning Commission and the conditions of

1 this resolution, and approved by the Community Development Director prior to the
2 issuance of any Building Permit.

3 15. All roof equipment shall be located and designed to be screened from public view by the
4 parapet walls.

5 16. The project and operation of the business shall comply with all applicable requirements
6 of the Municipal Code.

7 17. Each of the above Conditions of Approval is separately enforced, and if one of the
8 Conditions of Approval is found to be invalid by a court of law, all the other conditions
9 shall remain valid and enforceable.

10 18. The subject property shall be developed, maintained and operated in full compliance
11 with the conditions of this grant and any law, statute, ordinance or other regulation
12 applicable to any development or activity on the subject property. Failure of the
13 permittee to cease any development or activity not in full compliance shall be a violation
14 of these conditions.

15 Section 5. This grant shall not be effective for any purposes until the permittee and the
16 owners of the property involved have filed at the office of the Planning Division of the
17 Community Development Department their affidavits stating that they are aware of, and agree to
18 accept, all of the conditions of this grant.

19 The Parking Plan Amendment shall be recorded, and proof of recordance shall be
20 submitted to the Community Development Department prior to the issuance of a final building
21 permit.

22 The Permittee shall defend, indemnify and hold harmless the City, its agents, officers and
23 employees from any claim, action or proceeding against the City or its agents, officers and
24 employees to attack, set aside, void or annul this permit approval, which action is brought within
25 the applicable time period of the State Government Code. The City shall promptly notify the
26 Permittee of any claim, action or proceeding and the City shall fully cooperate in the defense. If
27 the City fails to notify the Permittee of any claim, action or proceeding, or if the City fails to
28 cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend,
29 indemnify or hold harmless the City.

30 The Permittee shall reimburse the City for any court and attorney's fees which the City
31 may be required to pay as a result of any claim or action brought against the City because of this
32 grant. Although the Permittee is the real party in interest in an action, the City may, at its sole
33 discretion, participate at its own expense in the defense of the action, but such participation shall
34 not relieve the Permittee of any obligation under this condition.

35 The subject property shall be developed, maintained and operated in full compliance with
36 the conditions of this grant and any law, statute, ordinance or other regulation applicable to any

1 development or activity on the subject property. Failure of the Permittee to cease any
2 development or activity not in full compliance shall be a violation of these conditions.

3 The Planning Commission may review this parking plan amendment and the associated
4 allocation of uses and may amend the subject conditions or impose new conditions if deemed
5 necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

6 Section 6. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to
7 the decision of the Planning Commission, after a formal appeal to the City Council, must be
8 made within 90 days after the final decision by the City Council.

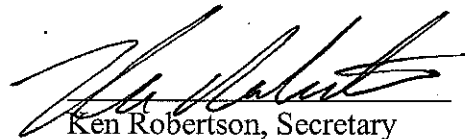
9 VOTE: AYES: Chairman Perrotti, Commissioners Allen, Hoffman,
10 Kersenboom and Pizer
11 NOES: None
12 ABSTAIN: None
13 ABSENT: None

14 CERTIFICATION

15 I hereby certify the foregoing Resolution P.C. No. 08-23 is a true and complete record of the
16 action taken by the Planning Commission of the City of Hermosa Beach, California at their
17 regular meeting of April 15, 2008.

18 

19 Sam Perrotti, Chairman

20 

21 Ken Robertson, Secretary

22 April 15, 2008

23 Date

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