

P.C. RESOLUTION 10-7

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO MODIFY THE ALLOWED USES TO ALLOW A ‘SMOG CHECK’ BUSINESS AND A PARKING PLAN TO ALLOW LESS THAN REQUIRED PARKING AND SHARED PARKING, IN CONNECTION WITH A 2,572 SQUARE FOOT EXPANSION OF AN EXISTING RETAIL BUSINESS (‘E.T. SURF’), AND RESCINDING PLANNING COMMISSION RESOLUTION 92-44, AT 900-950 AVIATION BLVD., LEGALLY DESCRIBED AS A PORTION OF LOT 87 AND ALL OF LOTS 88 THROUGH 101, INCLUSIVE, TRACT NO. 5650, HERMOSA BEACH.

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

Section 1. An application was filed by Eddie Talbot, owner, seeking approval of a Conditional Use Permit amendment to reduce motor vehicle repair services at 900 Aviation Blvd. to one service bay for a ‘smog check’ business and a Parking Plan to allow less than required parking and shared parking, in connection with a 2,572 square foot expansion of an existing retail business (E.T. Surf) into space vacated by motor vehicle repair businesses, at 900 Aviation Blvd., wherein parking for 900-950 Aviation Blvd. will be shared.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for Parking Plan 10-3 and Conditional Use Permit 10-6 on March 16 and May 18, 2010, at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission.

Section 3. Based on the Staff Report, testimony and evidence received, the Planning Commission makes the following factual findings:

1. The site is zoned C-3, General Commercial, which permits retail use by right and automotive uses pursuant to a conditional use permit. The properties to the south (rear of the buildings) are zoned R-1 and all other adjoining parcels are zoned C-3; a car wash is located west of the site at the corner of Aviation Blvd. and Pacific Coast Highway.
2. The applicant’s site plan dated April 14, 2010 proposes the conversion of automotive uses to retail use, and improvements to the interior and exterior of an existing building and two parking lots at 900-916 Aviation Blvd. The building occupied by E.T. Surf at 904 Aviation Blvd. will be expanded by converting and connecting 2,572 square feet of the buildings at 900 Aviation Blvd. to this building for retail use. Concurrently, about 826 sq. ft. of the buildings at 900 Aviation Blvd. will be demolished, and about 602 sq. ft of these buildings currently used as a smog check shop will be retained and reconfigured as a separate structure. The project proposes to supply 19 onsite parking spaces at 900-916 Aviation Blvd. while 29 spaces are required. The project proposes to share parking with 950 Aviation Blvd. such that 46 parking spaces will be supplied at 900-950 Aviation Blvd. while 65 spaces are required for all uses.

Address	Uses and Parking
900 – 916 Aviation Blvd.	2572 sq. ft. – Retail; 602 sq ft – Smog check shop 19 parking spaces: (8 in westerly lot and 11 in easterly lot) (29 spaces required)
950 Aviation Blvd.	8321 sq. ft. - Retail and office uses; 27 parking spaces (33 spaces required)
TOTAL: 900– 950 Aviation Blvd.	46 spaces shared by 900 – 950 Aviation Blvd (65 spaces required)

3. The retail expansion and internal reconfiguration will provide more space to better display inventory, added storage and disabled accessibility. E.T. Surf operates Monday to Friday, 10 a.m. to 8 p.m., Saturday 10 a.m. to 7 p.m., and Sunday 10 a.m. to 6 p.m. The store is busiest on the weekends and parking demand is not expected to increase. The applicant states the smog check shop has one employee and is open Monday to Friday with peak demand in the mornings. Office uses (second floor of 950 Aviation Blvd.) typically exhibit peak parking demands on weekdays, with parking demands for retail and personal services (first floor of 950 Aviation Blvd.) highest in the early evening and weekends.
4. The parking standard for retail and office uses is one space per 250 square feet of gross floor area and the parking standard for the smog check shop is one space per 1,000 square feet of lot area.
5. The automotive uses at 900 Aviation Blvd. were conditionally permitted by Planning Commission Resolution 92-44.

Section 4. The project is Categorically Exempt from the California Environmental Quality Act per CEQA Guidelines Sections 15301 demolition, 15303 conversion of small structures, and 15332 minor alterations to infill sites because the project is the conversion of space previously occupied by automotive uses to retail uses within urban area and adequate parking and other services are available. Further, a Phase II Subsurface Investigation completed by Partner Engineering and Science, Inc. in accordance with the Los Angeles Regional Water Quality Control Board's 'Remediation Guidance for Petroleum and VOC Impacted Sites' establishes a lack of environmental effects associated with the former on-site hydraulic lifts or their removal and/or automotive repair activities at 900 Aviation Blvd.

Section 5. Based on the foregoing, the Planning Commission makes the following findings:

1. Pursuant to H.B.M.C. Section 17.44.210, parking will be adequate for the proposed expansion of retail use based on the following factors:
 - A. An average of one parking space per 332 square feet of retail space will be provided for the properties at 900-950 Aviation Blvd., which does not meet the requirement of one space per 250 sq. ft., in addition to 4 spaces required for the smog shop based on one space per 1,000 sq. ft. of lot area. The purpose of the expansion, to increase space for inventory and display for this existing business, is likely to result in a lower parking demand than would be generated by a separate retail business or multiple tenants, and the Parking Plan is conditioned so that Planning Commission approval is required prior to increase in intensity of retail use, change from this specific retail to any other use (including other types of retail, beauty salon or other personal services, office, etc.), or creation of multiple uses or tenant spaces within the buildings at 900-916 Aviation Blvd. pursuant to H.B.M.C. Section 17.44.060.
 - B. A bike rack will be provided in the parking lot at 900 Aviation Blvd. to facilitate bicycle riding and thereby reduce vehicle trips, and bike racks shall be installed in other shared lots if space permits.
 - C. Parking demand will be satisfied by use of shared parking among uses at 900-950 Aviation Blvd. because peak parking demand for E.T. Surf occurs on weekends, peak demand for the smog shop is indicated to be weekday mornings, and parking demand for office uses on the second floor at 950 Aviation Blvd. occur on weekdays. The Parking Plan is conditioned to require Planning Commission approval prior to any change from office uses on the second floor at 950 Aviation Blvd. to uses that would generate weekend/evening peak parking demand pursuant to H.B.M.C Section 17.44.060.

D. A lot line adjustment consolidating buildings and parking at 900-916 Aviation Blvd. (E.T. Surf shops) as one parcel will ensure that parking integral to the use of these building is not separately sold and that offsite shared parking is within 300 feet of all use, pursuant to H.B.M.C Section 17.44.090.

E. The two parking lots at 900-908 Aviation Blvd. serving the consolidated business on one parcel are considered to be one parking lot and will be designed in accordance with H.B.M.C. Chapter 17.44 except as provided by this permit. Parking spaces shall be striped and the diagonal spaces shall be striped on all four sides. Accessibility requirements shall be complied with and improvements shown on the approved plan shall be installed. The diagonal spaces in the westerly parking lot, which are less maneuverable, shall be designated and used for employee parking. Parking surfacing shall be maintained in good repair.

F. To reduce congestion relating to noncontiguous parking lots, all parking lots (900-950 Aviation Blvd.) shall be clearly and prominently signed advising of shared parking locations, and the location of the disabled parking space in the westerly parking lot at 900 Aviation shall be noted in the easterly lot.

G. Since the parking standard for a smog shop (one space per 1,000 square feet of lot area) is less than for retail, office and similar uses, conversion to another use would in most cases require more parking and create a parking deficiency. Therefore, to ensure orderly and aesthetic future development, discontinuance of the smog shop use for six (6) months or more shall constitute abandonment of the use, and thereafter the use shall not be reinstated, and no other use (including storage) shall be installed in the area designated for a smog shop except pursuant amendment of the Parking Plan and Conditional Use Permit as applicable.

2. Pursuant to H.B.M.C. Section 17.40.020 the following findings are made to support a conditional use permit amendment:

A. The amount of existing or proposed off-street parking facilities and distance from the proposed use will be adequate pursuant to the approval of a Parking Plan.

B. The modified site will contain a combination of uses, including retail and a one-bay smog check shop. To reduce conflicts, the smog shop with one bay is restricted to 7:30 a.m. to 6:00 p.m., Monday through Friday, and Saturday hours are eliminated. Other conditions have been modified to reflect the reduced scope of the automotive businesses in concert with restrictions on the smog shop.

C. The exterior and parking lots will be improved (façade improvements such as stucco texture, paint and lighting, and door and window added to the west elevation; addition of landscaping in both parking lots at 900-916 Aviation Blvd. and reconditioning of pavement) thereby improving the visual appearance of this portion of Aviation Blvd. Revised conditions reflect that new landscape planters will provide a barrier between the sidewalk and parking lots at 900-916 Aviation Blvd. and a planter will be added at the southeast corner of the westerly parking lot at 900 Aviation Blvd., landscape curb inlets will be provided if feasible to reduce runoff, and all lighting will be downcast and fully shielded.

Section 5. Planning Commission Resolution 92-44 which allowed motor vehicle repair and services at 900-904 Aviation Blvd. is rescinded and the conditions applicable to the remaining automotive use (smog check shop) are set forth in this permit.

Section 6. Based on the foregoing, the Planning Commission **hereby approves** Parking Plan 10-3 and Conditional Use Permit 10-6, subject to the following **Conditions of Approval**:

1. **The improvement and use of the property shall be substantially consistent with the plans approved by the Planning Commission on May 18, 2010. Minor modifications to the plans required to comply with project conditions or codes may be approved by the Community Development Director.**

- 2. A lot line adjustment (Certificate of Compliance) approved by the Community Development Director combining property at 900-916 Aviation Blvd into one legal parcel shall be recorded in the office of the Los Angeles County Recorder prior to issuance of building permits.**
- 3. Business hours for the smog check shop are limited to 7:30 a.m. to 6:00 p.m. Monday through Friday. The use shall be limited to a smog check shop only and no accessory repair, washing, or other automotive or related use shall be allowed. All operations and materials shall be fully contained within the building, and the building shall be secured and locked when the business is closed. All hazardous materials shall be stored, used and disposed of in full compliance with all laws. No vehicles associated with the smog shop shall remain on the parking lot(s) when the when the business is closed.**
- 4. Discontinuance of the smog check shop use within the 602+- sq. ft. building at 900 Aviation Blvd. for a continuous period of six (6) months or more shall constitute abandonment of the use, and thereafter the use shall not be reinstated, and no other use (including storage) shall be installed, except pursuant a Conditional Use Permit amendment and/or Parking Plan as applicable. Upon demolition, any change to parking design, landscaping or trash facilities at the south end of the parking lot shall be approved by the Community Development Director. In no case shall the total landscaped area within the parking lot be reduced.**
- 5. The Parking Plan is premised on a specific type and mix of uses at 900-950 Aviation Blvd. An increase in intensity of use or change in type of use at 900-916 Aviation Blvd. is not allowed, including change from retail use to uses such as beauty salons, personal services, fitness centers, eating establishments or high intensity retail uses such as convenience stores, or creation of multiple uses or tenant spaces, as determined by the Community Development Director, until a Parking Plan amendment is approved by the Planning Commission; a change to office use and similar uses that do not involve high turnover of customers or classes is allowed. The office use types (i.e., administrative activities of businesses) on the second floor at 950 Aviation Blvd. shall not be converted to retail, beauty salon, personal services, fitness centers, eating establishments or other uses with a higher intensity of use or with a high weekend peak parking demand, as determined by the Community Development Director, until a Parking Plan amendment is approved by the Planning Commission.**
- 6. An covenant to hold shared parking in the parking lot at 950 Aviation Blvd. in common ownership for the specified uses for 900-916 Aviation Blvd. shall be signed by the owner, approved by the Community Development Director, and recorded in the office of the Los Angeles County Recorder per H.B.M.C. Section 17.44.090 (Off-street Parking Location).**
- 7. All parking lot design elements and dimensions shall comply with H.B.M.C. Section 17.44.120 and the following:**
 - a. All parking spaces at 900-916 Aviation Blvd. shall be striped in compliance with Chapter 17.44 (Off-Street Parking) and accessibility requirements.**
 - b. The three diagonal spaces in the westerly lot at 900 Aviation Blvd. shall be striped on all four sides, and shall be signed and used by employees.**
 - c. All parking lots at 900-950 Aviation Blvd. shall be maintained for use by employees and customers. Parking spaces shall not be occupied by storage containers or other obstructions.**
 - d. The pavement shall be maintained in good repair and the parking lots and planters maintained free of debris at all times.**

- e. All work within and operation of the parking lots shall comply with good housekeeping provisions and other applicable provisions of Chapter 8.44 (Stormwater and Urban Runoff Pollution Control).
 - f. Secure bicycle parking for at least five (5) bicycles shall be installed in the parking lot at 900 Aviation Blvd. The applicant shall also work with the Community Development Department to identify locations where a bike rack may be installed within each parking lot at 908-950 Aviation Blvd.
 - g. The parking lots at 900-950 Aviation Blvd. shall be clearly and prominently signed advising that parking for 900-916 Aviation Blvd. shall be allowed in each parking lot at 900-950 Aviation Blvd. The easterly parking lot for the business at 900-916 Aviation Blvd. shall clearly indicate that a disabled parking space is located in the western parking lot.
8. A landscape and irrigation plan shall be submitted and approved by the Community Development Director compliant with this approval, including curb inlets if determined to be feasible to filter runoff, and H.B.M.C. Chapter 8.60.070 (Standards for Small Landscape Areas) prior to improvement of the parking lot. Landscape planters shall be maintained with live plants.

General Conditions:

9. All exterior parking lot and building lighting shall be fully shielded (full cutoff) and down cast (emitting no light above the horizontal plane of the fixture). Fixtures shall not create glare or spill beyond the property lines. Light fixtures shall be designed and installed so the light is reflected away from any dwelling unit and the lamp bulb is not directly visible from within any residential unit. Yellow spectrum lamps such as sodium lamps are prohibited. All lighting exceeding low energy lights not more than three (3) feet above grade shall use automated external lighting controls and shall be extinguished at minimum between 10:00 p.m. and dawn. Exceptions are allowed to comply with building, fire and other city codes.
10. Trash and recycling facilities shall comply with H.B.M.C, Chapter 8.12.
11. All water use shall comply with Chapter 8.56 (Water Conservation and Drought Management Plan).
12. The exterior of the premises shall be maintained in a neat and clean manner and maintained free of graffiti at all times.
13. Noise emanating from the property shall be within the limitations prescribed by H.B.M.C. Chapter 8.24 and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
14. No work in the public right of way shall commence unless and until an Encroachment Permit has been approved by the Public Works Department.
15. All signs shall comply with Chapter 17.50 of the H.B.M.C. Sign permits shall be obtained from the Community Development Department.
16. The project shall comply with all other the requirements of the Zoning and Municipal Code and the Building, Fire and Public Works Departments.
17. Unless otherwise stated, conditions shall be complied with to the satisfaction of the Community Development Director prior to building permit issuance or commencement of operations.

18. If a review of this Parking Plan or Conditional Use Permit occurs, the Planning Commission may amend the above conditions and/or impose any new conditions deemed necessary to mitigate detrimental impacts on the environment or neighborhood arising from use of the premise.

19. Approval of these permits 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 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. The Conditional Use Permit and Parking Plan shall be recorded and proof of recordation shall be submitted to the City of Hermosa Beach.

Each of the above conditions is separately enforceable and, if one of the conditions is found unenforceable by a court of law, all other conditions shall remain valid and enforceable.

The Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this Conditional Use Permit and Parking Plan. The City shall promptly notify the Permittee of any claim, action or proceeding and the City shall fully cooperate in the defense. If the City fails to promptly notify the Permittee of any claim, action or proceeding, or the City fails to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The Permittee shall reimburse the City for any court and attorney's fees that 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 Conditional Use Permit and Parking Plan.

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:	Comms.Allen,Perrotti,Chmn.Hoffman
	NOES:	Comm.Darcy
	ABSTAIN:	None
	ABSENT:	Comm.Pizer

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 10-7 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of May 18, 2010.


Peter Hoffman, Chairman


Ken Robertson, Secretary

15 June 2010
Date