

50% removal of lineal wall area. Mr. Schubach said approval of the project would extend the zoning nonconformities.

Chmn. Tucker opened the public hearing at 7:45 p.m.

John Vole, 1618 The Strand, said the intent was to remodel the existing structure and they would basically be replacing all the windows in the structure, which requires basic reframing around the windows.

Chmn. Tucker closed the public hearing at 7:51 p.m.

Discussion

Comm. Perrotti said he would like to see some of the nonconformities reduced. Comm. Merl concurred with Chmn. Tucker's suggestion to reduce the lot coverage. Comm. Pizer said the project should be reviewed again by the architect, owner, and the city. Chmn. Tucker suggested looking at the parking and the open space and bringing the upper deck into conformity. In a discussion with John Vole, Chmn. Tucker requested the lot coverage be brought down to 68% and that everything else conform with the setbacks requirements.

MOTION by Comm. Perrotti, Seconded by Comm. Merl, to **CONTINUE** the hearing to the December 2 meeting with instructions to Staff that the lot coverage will be reduced to 68% or 65% if possible and to make sure that the setbacks are in compliance.

AYES: Comm. Perrotti, Merl, Pizer, Chmn. Tucker
NOES: None
ABSENT: Comm. Schwartz
ABSTAIN: None

13. A-14 -- APPEAL OF COMMUNITY DEVELOPMENT DIRECTOR'S DECISION ON CONDITIONS OF APPROVAL AT 307 PACIFIC COAST HIGHWAY, BOXING WORKS.

Staff Recommended Action: To direct staff as deemed appropriate.

Director Blumenfeld said there is some ambiguity with respect to the Conditions of Approval for this project, and there was some question about whether or not the exterior space was included in the project. He indicated that it was arguable by looking at the plans that the exterior should be included in the approved project, but that the resolution did not reference the area. He further indicated that there was no apparent intensification in use, as staff field inspected the property during peak evening periods, and while the interior was occupied during exercise classes, the exterior was generally not being used. Parking was available to patrons at an adjacent public parking lot.

Chmn. Tucker opened the public hearing at 8:25 p.m.

Scott McColgon, past owner of Boxing Works, said when they took over the lease at 307 Pacific Coast Highway in June of 1993, there were no specifics in the Conditional Use Permit, so they utilized the building and the back courtyard. He asked that the Commission look at and recognize the back location of Boxing Works as part of the approval in 1993.

Chmn. Tucker closed the public hearing at 8:30 p.m.

Discussion

Chmn. Tucker suggested that the canopy needed to be addressed per the code and the fire department.

MOTION by Comm. Perrotti, Seconded by Comm. Merl, to **CLARIFY** that the original Conditional Use Permit included the rear portion of the site as part of the allowable use in the project.

AYES: Comm. Perrotti, Merl, Pizer, Chmn. Tucker
NOES: None
ABSENT: Comm. Schwartz
ABSTAIN: None

STAFF ITEMS

14a. Memorandum regarding review of the nonconforming remodel project at 45 14th Street.

Director Blumenfeld said this project involved a previously approved nonconforming remodel where the structure was lifted up and then supported with a new floor system to accommodate additional parking. As the project progressed, a substantial amount of the building had to be removed due to dry rot. He said Staff is recommending in the future that the Conditions of Approval include a more thorough termite report and a dry rot report that would verify the percent or the amount of removal that could be expected with the remodel. Commission DIRECTED staff to further research the terms for requiring the structural pest report.

14b. Memorandum regarding clarification of the condition on Starbucks Coffee at 1100 Pacific Coast Highway.

Director Blumenfeld said Staff and the applicant are recommending an alternative to one of the project conditions - either to reduce the height of the speed bump or install highway lane markers (bot dots) that are reflective, or to install some alternative paving to denote change in the area.

Discussion

Comm. Pizer said he felt the highway lane markers were appropriate. Comm. Perrotti said bot dots are being used more frequently and would be a good alternative.

November 12, 1997

Honorable Chairman and Members
of the Hermosa Beach Planning Commission

Regular Meeting of
November 18, 1997

**SUBJECT: APPEAL OF DIRECTOR'S DECISION - 307 PACIFIC COAST
HIGHWAY - CONDITIONAL USE PERMIT AND PARKING PLAN -
BOXING WORKS - RESOLUTION NO. 93-52**

Recommendation:

That the Planning Commission direct staff as deemed appropriate relative determination of the project approval and Conditions of Approval.

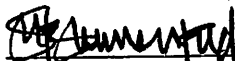
Background:

The subject business owner is appealing staff's determination that the project has been modified from that approved by the Planning Commission under Resolution 93-52. The project, Boxing Works, was approved in 1993 to permit operation of a gym with physical fitness classes with less than required parking. The approved plans show a project of 1600 square feet but indicates the rear portion of the parcel is accessible on the rear elevation drawings. The owner argues that this area was part of his original approval and that he has been using this area without impact upon the use of the structure and adjacent parking.

Analysis:

A Parking Plan was approved for the project to permit less than required parking. The Parking Plan recognized that the facility could make use of public parking to the south of the project "sharing parking trips with other area destinations" and that gym patrons would likely be from the neighborhood and could arrive on foot or bicycle to the site.

It is arguable that the existing business is not an intensification of use of the property. Staff conducted site visits in the afternoon and early evening and noted that when the building was occupied with a gym class the rear area which contains weight lifting equipment was not. The public parking lot was nearly full in the early evening. The Community Development Department is required to ensure that the development permit granted for the subject project is carried out as approved by Commission however, there is some ambiguity as to whether the exterior of the site was prohibited from use. Minor modifications to plans may be approved by the Community Development Director, however staff is requesting direction regarding the matter because of the ambiguity. The Conditions of Approval do not specify the project size, but simply refer to the project plans and limitations on the schedule of classes. There have not been complaints about operation of the business. The owner is seeking to sell the business and is requesting that the Commission recognize the rear use of the property as part of the approval in Resolution 93-52.



Sol Blumenfeld, Director
Community Development Department

Attachments:

1. Plans
2. Owner's Letter
3. Resolution

b/307pch

November 17, 1997

RECEIVED

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COM. DEV. DEPT.

Dear Planning Commision:

I am writing to you in regards to a Conditional Use Permit at 307 PCH, Hermosa Beach, "Boxing Works." I would like to appeal the Director's decision on the C.U.P.

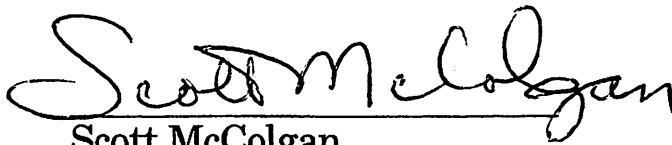
The Planning Commision approved a parking plan and conditional use permit to allow for a gymnasium/martial arts facility which holds classes throughout the evening at 307 PCH (Boxing Works) - Resolution 93-52 in June of 1993. It is now almost 4 1/2 years later, and the commision is telling me that I have intensified the use of the gymnasium at 307 PCH.

In 1993 our approved plans showed the project at 307 PCH with no specifications. The rear portion of the property was accesible and part of the approved project. We have been using the rear area as part of the business since we opened our gymnasium in 1993, having no complaints from anyone in the city of Hermosa Beach. The use of the rear area at 307 PCH has had no impact upon use of adjacent parking.

My argument is that we were in full compliance with the project. The rear area is land locked and only the tenants at 307 PCH are able to make use of the space. If I had known the rear of the building was not part of the C.U.P. I certainly would not have proceeded to use it without approval, invested in all the equipment that I put in that area, nor would I have sold my business without disclosing that it was not part of the C.U.P.

I recently sold the business, Boxing Works, at 307 PCH on October 1, 1997. I am requesting that the commision recognize the rear use as part of the property at 307 PCH in the Resolution 93-52.

Sincerely,


Scott McColgan

SUPPLEMENTAL
INFORMATION

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