

## **RESOLUTION NO. 20-XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CERTIFICATE OF APPROPRIATENESS TO ALLOW A MURAL DISPLAY MEASURING APPROXIMATELY 3,376 SQUARE FEET ON THE WEST FACING BUILDING WALL OF THE HISTORIC BIJOU BUILDING LOCATED AT 1221 HERMOSA AVENUE AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15301 AND 15061(B)(3) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, built in 1923, the Bijou Building was designated as a historical landmark, pursuant to Hermosa Beach Municipal Code Section 17.53.070, by the City Council in 1999. This designation was based on the distinctive architectural style (Neoclassical Revival) and the building exemplified the early social and economic history of Hermosa Beach; and,

**WHEREAS**, on July 1, 2020, an application for a Certificate of Appropriateness was filed by Steve Izant for Hermosa Mural Project (hereinafter “Applicant”), requesting to allow a apply mural display measuring approximately 3,376 square feet on the west facing building wall of the Bijou Theater Building using a combination of painting directly on the existing wall, and applying a painted fabric to the existing wall, which depicts an image and tribute to the demolished historic Sand & Surf Club a.k.a the Hermosa Biltmore Hotel and,

**WHEREAS**, the City’s Community Development Department, reviewed the proposed mural display for consistency with the Secretary of Interior’s Guidelines; and,

**WHEREAS**, the City Council of the City of Hermosa Beach conducted a duly noticed public hearing to consider the request on July 28, 2020, at which time testimony and evidence, both oral and written, was presented to and considered by the City Council; and,

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,**

**CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

**SECTION 2.** The proposed project is Categorically Exempt pursuant to Sections 15301 and 15061(b)(3) under the California Environmental Quality Act (CEQA) because the project involves minor exterior alterations to an existing facility. Pursuant to CEQA Guidelines Section 15064.5(b)(3) generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), (Weeks and Grimmer), shall be considered as mitigated to a level of less than a significant impact on the historical resource. The building is a designated historic resource and while a temporary alteration to the exterior, this action is found to be categorically exempt from CEQA as defined in Sections 15301 and 15061(b)(3), Historical Resource Restoration/Rehabilitation, because the mural project involves minor and temporary exterior alterations to an existing facility, in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstruction Historic Buildings. There is no evidence in the record that the temporary mural on the west façade will impact the character defining features of the resource.

**SECTION 3.** Pursuant to Hermosa Beach Municipal Code Section 17.53.160(A), the City Council of the City of Hermosa Beach hereby finds, determines, and declares:

- A. *The proposed work will: 1) conforms to the prescriptive standards adopted by the Council; 2) will not detrimentally alter, destroy or adversely affect any exterior improvement or exterior architectural feature; and 3) will retain the essential elements that make the resource significant.* The City's Community Development Department completed a review of the proposed plans. The proposed project would retain and preserve the historic character of the Neoclassical style Bijou Building and will not result in the removal, destruction, or alteration of any character-defining features that contribute

to the subject property's significance as a historical resource. As set out in the July 28, 2020 report to the City Council, all work conforms to the Secretary of Interior's standards for historical resource restoration. The analysis used a previous report conducted by Environmental Science Association (ESA) for the City of Hermosa Beach for a Certificate of Appropriateness Review for a proposed tenant improvements (Project) at 1221 Hermosa Avenue, Hermosa Beach, California ("1221 Hermosa Avenue" or "Project Site") by Gensler for Beach City Capital (Tenant), dated September 12, 2019 and the 1999 Architectural Resources Survey Report of the Bijou Theater Building prepared by PCR Services Corporation for the City of Hermosa Beach, to evaluate the federal, state and local historical significance of the Bijou Theater Building based upon criteria used by the National Register of Historic Places, the California Register of Historic Resources, the City of Hermosa Beach Historic Resource Preservation Ordinance, and survey methodology of the State Office of Historic Preservation ( OHP), to analyze the project's compliance with the Secretary of Interior's standards for historical resource restoration. Nevertheless, conditions of approval need to be incorporated to ensure the project will not result in potential adverse impacts by causing unintended damage to character-defining features during application and removal of the mural display. These conditions of approval are included as part of this action.

**SECTION 4.** Based on the foregoing, the City Council hereby approves the requested Certificate of Appropriateness for modifications at 1221 Hermosa Avenue, subject to the following Conditions of Approval:

- 1. The project shall be substantially consistent with the application materials submitted and approved by City Council on July 28, 2020. The Community Development Director shall review and may approved minor modifications that do not otherwise conflict with the Municipal Code or requirements of this approval. Any substantial deviation from the submitted application materials shall be subject to review and approval by the City Council.**
- 2. The applicant shall not be permitted to affix scaffolding to the building wall for the application of the mural project. The applicant shall utilize a freestanding scaffold for the application of the project.**

3. Should the mural display be removed, the applicant shall restore the stucco on the west facing building wall to its pre-existing condition, prior to the application of the mural display.
4. The applicant shall comply with all provisions of the Hermosa Beach Municipal Code (HBMC), obtain all required building, encroachment, sign and other required permits, and comply with all requirements of the Building, Public Works and Fire Departments. Project construction shall conform to the Noise Control Ordinance requirements in HBMC Section 8.24.050.
5. Pursuant to Hermosa Beach Municipal Code Section 17.53.200, Duty to keep in good repair, the owner, occupant or other person in actual charge of a landmark building structure or improvement shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior improvement or architectural features.
6. Approval of this Certificate of Appropriateness shall lapse and become void eighteen (18) months from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon request of the property owner, including the reason therefore, at least 60 days prior to the expiration date, the Certificate of Appropriateness may be extended by the City Council for an additional period of up to twelve (12) months. The City Council may approve, approve with conditions or deny any request for extension.

**Section 5.** 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 Precise Development Plan 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.

**SECTION 6.** This Resolution shall take effect immediately. The City Clerk shall certify to the passage and adoption of this Resolution; shall cause the original of the same to be entered among the original resolutions of the City Council; shall make a minute of the passage and adoption thereof in the minutes of the City Council meeting at which the same is passed and adopted; and shall transmit a copy of this Resolution to the Applicant.

**PASSED, APPROVED and ADOPTED** this 28<sup>th</sup> day of July, 2020.

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**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

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City Clerk

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City Attorney