

P.C. Resolution 21-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DETERMINING AN EXISTING 270 SQUARE FOOT DISPLAY ON THE EASTERLY FAÇADE OF AN BUILDING LOCATED AT 25 22ND STREET HERMOSA AVENUE IS A MURAL, AND A DETERMINATION THE PROPOSED DISPLAY IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. An application was filed on April 20, 2021 by the applicant Hilary Condren, seeking Planning Commission determination whether the existing unpermitted display covering 270 square feet of the easterly façade of an existing building is consistent with the Hermosa Beach Municipal Code (HBMC) definition of “Mural” for the building located at 25 22nd Street.

Section 2. HBMC Section 17.50.030 defines a mural as “a pictorial representation not specifically identifying goods or services offered by the business on the premises.”

Section 3. The Planning Commission, at its public meeting of May 18, 2021, considered all testimony and evidence, both oral and written, that was presented to the Planning Commission and directed staff to bring back a resolution making the mural determination at the June 15, 2021, Planning Commission meeting.

Section 4. The proposed display is categorically exempt from the California Environmental Quality Act defined in CEQA Section 15301 Class 1 Existing Facilities, as the project involves negligible or no expansion of an existing use. The proposed display was painted directly onto the easterly facade of the existing building and will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Section 5. Based on the evidence received at the public meeting, the Planning Commission hereby finds, determines, and declares:

1. The display meets the definition of a mural as set forth in HBMC Section 17.50.030, because the business on the premises, Martha's, is a restaurant that offers food and beverages for customers, and the proposed display is an artistic representation of scenic beach theme, including, surfing, beach volleyball, ocean waves, lifeguard tower, seagulls, fish, and seashells.
2. Pursuant to HBMC Section 17.50.120.B, it is appropriate to waive the specific provisions of the sign code pertaining to sign area, coverage, height, type and style for the 270 sq. ft. mural display because the display is consistent with the definition of a mural.

Section 6. Based on the evidence received at the public meeting, the Planning Commission hereby further finds, determines, and declares that the project is consistent the City's General Plan (PLAN Hermosa) because the mural is a considered public art that improves the public realm design and pedestrian experience of the Walk Street Neighborhood.

Section 7. Based on the foregoing, the Planning Commission **hereby approves** the subject Mural Determination Case No. determining an existing painted display is a mural as set forth in Planning Commission Resolution 21-XX, subject to the following **Condition(s) of Approval:**

- 1. The City Seal shall be removed and replaced with an alternative artistic design as approved by the Community Development Director.**

Section 8. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after exhaustion of any available administrative remedies, must be made within 90 days after the final decision by the City. The Hermosa Beach City Council may on its own initiative review all actions of the Planning Commission. If the City Council does not initiate review of this decision as set forth in Hermosa Beach Municipal Code Section 2.52.040, this decision will become final.

VOTE: AYES:
NOES:
ABSTAIN:
ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 21-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of June 15, 2021.

Marie Rice, Chair

Ken Robertson, Secretary

June 15, 2021

Date