

P.C. RESOLUTION NO. 06-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MODIFYING CONDITIONS OF APPROVAL OF A PREVIOUSLY APPROVED MASTER CONDITIONAL USE PERMIT FOR TWO AUTOMOTIVE REPAIR BUSINESSES AND AN OFFICE AT 725 5TH STREET (AKA 715 5TH STREET).

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

Section 1. On August 15, 2006, the Planning Commission conducted a duly noticed public hearing to review the Conditional Use Permit (CUP) for the automotive repair businesses at 725 5th Street in response to complaints of alleged violations of the conditions of said CUP and to consider modifications to the Conditions of Approval as set forth in P.C. Resolution 91-75, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 2. Based on evidence received at the public hearing, the Planning Commission makes the following findings:

1. The business operates under a Conditional Use Permit authorizing automotive repair, and shares the property with another auto repair business and a small office.
2. The site is zone SPA-7 (Commercial) and the buildings and the site are adequate in size to provide parking and service areas to support the continuation of the automotive repair businesses.
3. In response to complaints about the operation of the business and alleged violations of the CUP, the City has been monitoring the operation of the business, and found several violations relating to parking, lot markings and banners which have generally been corrected.
4. Pursuant to Chapter 17.70 of the Zoning Ordinance the Planning Commission may revoke or modify the CUP on the grounds that a permit is being exercised contrary to the terms or conditions of such approval, and in the subject case violations continue to occur with respect to parking on the street and staying open later than prescribed times, and storing vehicles longer than prescribed hours.
5. Some of the conditions previously established in Resolution No. 91-75 unfairly restrict the businesses, and modifying the conditions will resolve the violations while allowing the businesses to operate in a manner that is compatible with nearby commercial and residential properties.

Section 3. Based on the foregoing, the Planning Commission hereby modifies and amends CUP Resolution 91-75, subject to the following Conditions of Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hermosa Beach, California does hereby approve a Master Conditional Use Permit to allow two auto repair businesses on said property subject to the following **Conditions of Approval:**

1. **The location of structures and features on the property shall be in substantial conformance with the original submitted plans and Resolution 91-75. Any modification shall be submitted to the Community Development Director for approval.**

2. The trash enclosure shall be maintained as per approved on May 27, 1992.
3. All parking spaces shall be maintained and striped in accordance with the plans, and any cracks in the pavement shall be repaired.
4. The public right-of-way shall not be used for parking or storing of vehicles that are intended for sale or service. Adequate on-site parking spaces shall be provided for employees as well as customers. Usage of residential streets and/or Pacific Coast Highway for parking employee or customer vehicles is prohibited.
5. The hours of operation for auto repair activity shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays.
6. Disposal of hazardous waste material shall be in accordance with local, state and federal laws, but in no event shall such waste material be allowed to drain into the City storm drain system.
7. There shall be no bells, buzzers, or similar apparatus. Outside speakers for any purpose shall be prohibited.
8. All automobile service shall be conducted inside the building, and all outdoor work activities shall be prohibited (minor examination of operable vehicles for the purpose of estimates not lasting more than 15 minutes is allowable).
9. Vehicle washing and detailing is permitted on the lot so long as any liquid run-off does not drain into the City storm drain system.
10. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance, Section 8.24 of the Hermosa Beach Municipal Code, and shall not create a nuisance to the surrounding residences and commercial establishment.
11. All outdoor parking and driveway areas shall be maintained free of unregistered and derelict vehicles, wrecked vehicles, and/or parts and debris.
12. Storage of any vehicles, other than those waiting for service, being serviced or waiting for pick up is prohibited.
13. The exterior of the premises including the parking areas shall be maintained in a neat and clean manner at all times.
14. All exterior lights shall be located and oriented in a manner to insure that neighboring residential property and public right-of-way shall not be adversely affected.
15. All signs must comply with the City sign ordinance. Proper sign permits must be obtained from the Community Development Department.
16. 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 Precise Development Plan and Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department.
17. Examining, installing, or repairing car alarm systems shall be prohibited.
18. A total of eight (8) parking spaces must be reserved for the office lease space located on the second floor.
19. All existing landscape areas and the automatic sprinkler systems shall be maintained to the satisfaction of the Community Development Director.

Section 4.

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.

Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if 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 which 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 condition.

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

The Planning Commission may review this Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

Section 5. 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. Kersenboom, Perrotti, Pizer, Allen
	NOES:	None
	ABSTAIN:	None
	ABSENT:	Chairman Hoffman

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 06-24 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 August 15, 2006.

Kent Allen, Vice Chairman

Sol Blumenfeld, Secretary

Date