

**CITY OF HERMOSA BEACH
P.C. RESOLUTION NO. 23-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, DETERMINING A 116-SQUARE-FOOT
PAINTED DISPLAY ON THE SOUTH WALL OF AN EXISTING COMMERCIAL
BUILDING LOCATED AT 312 PIER AVENUE (KELLY AND BRANDON SALON)
IS A MURAL AND IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT.**

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

WHEREAS, an application was filed on May 10, 2023 by the applicant Brandon Martinez, seeking Planning Commission determination whether a proposed display covering 116 square foot painted display on the south wall of an existing commercial building is consistent with the Hermosa Beach Municipal Code (HBMC) definition of "Mural" for the building located at 312 Pier Avenue.

WHEREAS, 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."

WHEREAS, the Planning Commission, at its public meeting of June 20, 2023, considered all testimony and evidence, both oral and written, that was presented to the Planning Commission.

WHEREAS, 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 is painted directly onto the southerly facade of the existing building and would not result in a direct or reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Planning Commission determines that the display meets the definition of a mural as set forth in HBMC Section 17.50.030, because the display does not include commodification elements tied to the commercial use, and the proposed displays are artistic depictions.

Section 2. Based on the evidence received at the public meeting, the Planning Commission hereby further finds, determines, and declares that the project is not consistent with the City’s General Plan (PLAN Hermosa) because the display is a mural consistent with HBMC Section 17.50.030.

Section 3. Based on the foregoing, the Planning Commission **hereby approves** the subject Mural Determination Case No. MD23-01 determining a painted display is a mural as set forth in Planning Commission Resolution 23-XX.

Section 4. 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.

PASSED, APPROVED and ADOPTED on this 20th day of June, 2023.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing PC Resolution 23-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 20, 2023.

Stephen Izant
Chair

Carrie Tai
Secretary

Date