

October 3, 2002

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission**

**Regular Meeting of
October 15, 2002**

SUBJECT: PRECISE DEVELOPMENT PLAN 02-8, PARKING PLAN 02-6 & VARIANCE
 824 & 828 FIRST STREET

APPLICANT: TOMBLIN AND ASSOCIATES, 2733 PACIFIC COAST HIGHWAY,
 SUITE 210 TORRANCE, CA 90505

REQUESTS: PRECISE DEVELOPMENT PLAN TO ALLOW A 4,500 SQUARE FOOT
 EXPANSION TO AN EXISTING OFFICE BUILDING BY ADDING A THIRD
 FLOOR

 PARKING PLAN TO PROVIDE SOME OF THE REQUIRED PARKING IN 5
 TANDEM SPACES

 VARIANCE TO ALLOW A GREATER THAN 100% INCREASE IN
 VALUATION TO A NONCONFORMING BUILDING

Recommendations

To approve the Precise Development Plan, Parking Plan and Variance subject to the conditions as contained in the attached resolution.

Background

ZONING:	SPA 7 - Specific Plan Area
GENERAL PLAN:	Commercial Corridor
LOT SIZES:	824 First Street: 5578 Sq. Ft. 828 First Street: 5578 Sq. Ft.
EXISTING FLOOR AREA / PARKING:	2,990 Square Feet / 10 Spaces
PROPOSED ADDITION:	4,500 Square Feet
FLOOR AREA RATIO:	1.31
REQUIRED PARKING FOR ADDITION:	18 Spaces
PARKING PROVIDED:	28 (18 standard, 5 stalls in tandem)
ENVIRONMENTAL DETERMINATION:	Recommended Negative Declaration

The applicant proposes to expand an existing office building by reconfiguring the second floor and adding a third floor. The existing parking lot would be reconfigured to increase on site parking, and additional parking would be provided on the adjacent property to be purchased from the California Water Company.

The office building located at 824 First Street was constructed in 1979. At that time the building was constructed in compliance with zoning requirements in effect at that time, which included parking at a ratio of one space per 300 square feet. The water utility company has used the property at 828 First Street as a pumping station since the 1930's.

The Staff Environmental Review Committee, at their meeting of August 8, 2002 considered the environmental impacts of the proposed project, and based on the initial study check-list (attached), recommended a Negative Declaration. Several residents appeared at the meeting who live in the building at 834-842 First Street adjacent to water utility property and expressed concerns about impacts related to parking, noise, hazards, and view. The Committee recommended that these localized and site specific impacts be considered in the project review by the Planning Commission.

In response to these concerns, the applicant has modified the parking lot plan to provide parking access through the building rather than along the east property line adjacent to the residents. This has allowed for a substantial increase in the landscaped setback along the easterly property line and throughout the parking lot, and the provision of a full complement of required parking for the addition (although five pairs of spaces are in tandem).

Analysis

The proposed plan involves alterations to the existing first floor to add an entry and lobby; the addition of an elevator; expansion of the second floor office area; and the addition of third floor. The applicant recently purchased the property and plans to upgrade both its function and appearance for their own use, and to attract long-term quality tenants.

PARKING

Pursuant to Section 17.44.140(D) expansions to existing buildings nonconforming to parking are required to provide parking for the amount of expansion. In this case, based on the current parking ratio of 1 space per 250 square feet of office area, the proposed 4,500 square foot expansion requires 18 additional parking spaces.

The applicant proposes to supply this required parking by reconfiguring the existing parking located at the ground level, and to provide additional parking at the property at 828 First Street, to be purchased from the California Water Company. The Water Company will continue to use the property for a pump station through a lease-back arrangement, and will intermittently use the parking area to monitor and service their equipment at the property. The pump station only takes up a small portion of the property, which makes it available for dual use.

A Parking Plan may be approved by the Planning Commission to allow a reduction in the number of parking spaces required pursuant to Section 17.44.210. Given that it is not possible to provide the full complement of required parking in a conventional layout, there is arguably less than required parking for the project. However, by providing five stalls in tandem, it is possible to provide the required number of parking spaces for the project although this parking configuration must be approved by Planning Commission taking into consideration such factors that will compensate for the parking "deficiency" as noted in Section 17.44.210. In this case the parking serves office tenants exclusively who can manage the parking operation more efficiently to accommodate parking demand in the facility. Staff has also added a condition that future use of the building will be limited to professional and general office use only, which will further ensure more regular and long-term parking for the use. The applicant indicates that the tandem spaces will be assigned to employees, with each pair assigned to employees sharing the same tenant space. While tandem parking may not be appropriate for retail or other customer intensive commercial uses, it may be appropriate for a professional office building where the parking of tenant employees is more predictable and typically of a longer duration. Also, staff recommends a condition

that tandem parking be assigned to employees and that single access parking spaces not be assigned to any particular tenant our user to maximize the efficiency of the parking.

The parking lot on the California Water Company property at 828 First Street is accessed through the building at 824 First Street. This means of access is proposed rather than utilizing the existing driveway that accesses the pump station to address the concerns of neighboring residents. The applicant indicates the gates at the side of the building will be closed at 7:00 P.M. daily, and on weekends.

Given the applicant's proposed reconfiguration of the building to permit through movement between existing and proposed parking, the intermittent and essentially negligible parking demand of the California Water Company, and the use of tandem parking to meet parking requirements, the project is consistent with Section 17.44.210 pertaining to Parking Plans.

PRECISE DEVELOPMENT PLAN / S.P.A. 7 ZONE COMPLIANCE

The Specific Plan Area zone provides two sets of development standards. This two tier approach was established to allow development that complies with the first tier standards as a matter of right without a Precise Development Plan. In this case, the project is subject to second tier standards since it exceeds first tier standards for bulk (greater than 1:1 F.A.R) and building height (greater than 30-feet) and provide less than 5% landscaped coverage.

Pursuant to the specific standards of the S.P.A. 7 zone and the underlying C-3 zoning, other than the need for approval of a Parking Plan to comply with parking requirements, the project conforms with the S.P.A. 7 zoning requirements, as follows:

LANDSCAPING: A landscaped area is provided at the entry of the building and along the frontage of the parking lot at the sidewalk with appropriate shrubs in front of the building and climbing vines along the low-fence at the front of the parking lot. While a 3-foot strip along the entire frontage is provided, an area exceeding the equivalent of a 3-foot landscape strip is provided in the parkway and is proposed to be planted with turf and palm trees.

A 5-foot landscaped buffer is provided, as required, along the easterly property line of the parking lot which is primarily comprised of tree planting. In order to continue to allow access for service and emergency vehicles for California Water Service the first 20-feet of the buffer is concrete turf block, and the remainder of buffer towards the back of the lot is heavily landscaped, including thirteen trees to comply with the requirement that one tree be provided ten feet of length. Additional planting is provided in the parking area with over-head trellis and vines.

BUILDING HEIGHT: The building is designed to comply with the maximum second tier standard of 35 feet. The penthouse containing stairs and mechanical equipment in the rear of the building extends above 35 feet as allowed by the Zoning Ordinance for commercial buildings, as the area over height covers less than 5% of the roof. A condition of approval is included requiring that final roof plans clearly show elevations at the property corners and maximum heights at the critical points on the roof.

Also with respect to the S.P.A. 7 guidelines for Planning Commission review of projects that exceed first tier standards staff has the following observation and findings:

- ❑ The exterior of the building is being enhanced with architectural features and materials to improve its appearance and function. Stepping architectural features enhance the three-dimensional quality and special attention has been given to the appearance at the street.
- ❑ A landscape plan is included which shows ample and generous landscaping in front of the building (within the public right-of-way) and in the parking area. The plan includes trellises with climbing vines and a rock waterfall and pond to soften and break up the amount of concrete used for parking, to buffer sound and visual impacts and to provide shade.
- ❑ While the roof-line is flat for the rear portion of the lot, stepped and sloping roofs are used where possible to avoid the appearance of a flat roof, especially at the street frontage and along the east side.
- ❑ Building step-backs, variable heights, and landscaping are all effectively used to break up the bulky appearance of the building, and to enhance the overall project appearance.

VARIANCE

A Variance is required to allow the expansion to exceed a 100% increase in valuation. Section 17.52 of the Zoning Ordinance limits the expansion of nonconforming buildings to 100% and the existing building is nonconforming to parking. At the time the building was constructed it complied with parking requirements (1 space per 300 square feet) by providing 10 spaces. Currently, the required ratio for office uses is 1 space per 250 square feet meaning 12 spaces are required.

The concept of a Variance is that basic zoning provisions are not being changed but the property owner is allowed to use his property in a manner basically consistent with the established regulations with such minor variation as will place him in parity with other property owners in the same zone.¹ The facts and circumstances in this case seem to be consistent with this general concept. The proposed variations from the Zoning Ordinance are minor and the proposed project addition will be parked pursuant to Code requirements. The building is nonconforming only in respect to parking of the existing portion of the building

In order to grant a Variance, the Commission must make the following findings:

1. There are exceptional or extraordinary circumstances limited to the physical conditions applicable to the property involved.
2. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, and denied to the property in question.
3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located

¹ Longtin's California Land Use, 2nd Edition, 1987, Chapter 3, Part G, "Variances and Conditional Use Permits"

4. The Variance is consistent with the General Plan

The applicant is making this request primarily because of the unusual condition of sharing the parking lot with the water company, and the small lot size of the developed portion of the commercial property, which limits the available areas to provide parking.

Discussion of findings:

Finding 1: If the existing office building together with the adjacent property at 828 could be developed in a typical manner it would allow more efficient parking, or the potential to provide two levels of parking to meet the parking requirements for the existing building area and the expansion. However, since the lot at 828 First Street will be shared between surface parking and its current use as a pump station, it can only be partially used for surface parking. This circumstance is unique as it limits the potential development of the commercially zoned property for office use and parking, and this can be considered as exceptional and extraordinary.

Finding 2: The owners wish to exercise a property right, possessed by others in the commercial zones to construct a functional and adequately sized remodeled office building. Without the Variances a smaller addition (up to 2,990 square feet) could certainly be constructed, however, the size and floor plan may not be economically feasible, nor allow an office facility comparable to similar facilities in Hermosa Beach in the same zone and in similar locations along Pacific Coast Highway. Therefore, the finding can be made that the Variances are needed to preserve and enjoy a substantial property right.

Finding 3: The project will not be materially detrimental to property improvements in the vicinity and Zone since the project complies with parking requirements for the expansion, and is only two spaces short of current required parking for the existing portion of the building. The Variance relates to the amount of expansion permitted for nonconforming uses, and does not make the project more deficient in parking or any other requirement than a project that complied with the 100% expansion limit. Further, the project will result in the elimination of an existing vacant building that has become a nuisance to the neighborhood, and will enhance the aesthetic appearance of the building and the street.

Finding 4: The project is not unusually large or out of scale with the neighborhood, and is otherwise in conformance with the Zoning Ordinance and the General Plan.

If the Commission decides to approve the Variance it must adopt the findings or similar findings as described above.

CONDITIONS OF APPROVAL

Staff recommends that the following conditions of approval be included relating to the approval of tandem parking and impacts on the nearby residential uses:

1. A revised roof plan shall be submitted to demonstrate compliance with the maximum building height of 35-feet. The plans shall clearly show property lines, property corner elevations, and maximum height critical points.

2. Architectural treatment of the building shall be as shown on building elevations and site and floor plans. Any modification shall require approval by the Community Development Director.
 - a) The front elevation shall include decorative wall and window treatment as shown on the submitted plans.
 - b) The east elevation shall include all decorative wall, window and balcony treatment as shown on the submitted plans.
3. Occupancy of the building shall be limited to professional and general office use.
4. Tandem parking shall be assigned for employee use only, with each pair assigned for employees of the same business. All other parking (single access spaces) shall not be assigned to any particular tenant or user and be open for all customers and employees of the building to maximize the efficiency of the parking.
5. Access to the parking lot through the gate along the east property line shall be limited to California Water Company vehicles for emergency or service purposes. All other vehicular access shall be through the building.
6. Water features, trellises, concrete turf block shall be included in the parking lot, as shown on the plan, and maintained in satisfactory condition and operation
7. No parking in outdoor parking area shall be permitted after 7:00 P.M. daily or on weekends.
8. No changes are allowed to the parking and the parking layout without Planning Commission approval (with the exception of California Water Company, which may add or change equipment as necessary for the operation of their utility, if it does not effect parking).
9. The lots that comprise the project site (known as 824 and 828 First Street) shall be merged into one legal parcel.

CONCUR:

Ken Robertson
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photos

4. Negative Declaration & Initial Study
5. Correspondence

Pdp824First

824 & 828 First Street



828



824



Adjacent Condos to east



Pump Station

P.C. RESOLUTION 02-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN, PARKING PLAN AND VARIANCE TO ALLOW A 4,500 SQUARE FOOT EXPANSION TO AN EXISTING OFFICE BUILDING BY ADDING A THIRD FLOOR TO THE BUILDING AT 824 FIRST STREET WITH SOME OF THE REQUIRED PARKING PROVIDED IN TANDEM LEGALLY DESCRIBED AS THE NORTHWEST 139.44 FEET OF LOTS 6 AND 7, TRAFTON HEIGHTS TRACT.

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

Section 1. An application was filed by Tomblin and Associates owner of property at 824 First Street seeking approval of a Precise Development Plan to construct a 4,500 square foot expansion to an existing office building, Parking Plan to allow a portion of the required parking to provided in tandem and a Variance to allow a greater than 100% increase in valuation to a nonconforming building.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Precise Development Plan, Parking Plan and Variance on September 17, and October 15, 2002, and considered substantial testimony and evidence. Based on the testimony and evidence received the Planning Commission makes the following factual findings:

1. The applicant is proposing to expand an existing office building 4,500 square feet by altering the first and second floor and adding a third floor. The existing building, constructed in 1979, contains 2,990 square feet with 10 parking spaces on the ground floor. The existing parking lot is proposed to be reconfigured to increase on site parking, and additional parking is proposed on the adjacent property at 828 First Street.

2. Pursuant to Section 17.44,140(D) expansions to existing buildings nonconforming to parking are required to provide parking for the amount of expansion. In this case, based on the current parking ratio of 1 space per 250 square feet of office area, the proposed 4,500 square foot expansion requires 18 additional parking spaces. The applicant proposes to supply this required parking by reconfiguring the existing parking located at the ground level, and to provide additional parking at the California Water Co. property to be purchased at 828 First Street. The pump station only takes up a small portion of the property, which makes it possible for this dual use. The plan thus provides for a total of 28 spaces with 10 (5 pairs) in tandem.

3. Chapter 17.44 of the Zoning Ordinance does not allow required parking for commercial uses to be tandem, therefore, a Parking Plan is required pursuant to Section 17.44.210 to allow tandem parking to count as required parking.

1 4. A Variance is required to allow the expansion to exceed a 100% increase in valuation.
2 Section 17.52 of the Zoning Ordinance limits the expansion of nonconforming buildings to 100% and
3 the existing building is nonconforming to parking. At the time the building was constructed it complied
4 with parking requirements (1 space per 300 square feet) by providing 10 spaces. Currently, the
5 required ratio for office uses is 1 space per 250 square feet meaning 12 spaces are required.

6 5. The building site at 824 First Street and the parking site at 828 First Street are zoned
7 S.P.A. 7 which requires a Precise Development Plan for the construction of the project as it exceeds
8 30-feet in building height, and exceeds a floor area to lot area ratio of 1:1.

9 Section 3. Based on the foregoing factual findings, the Planning Commission makes the
10 following findings pertaining to the application for a Parking Plan.

11 1. The plans provide for 18 additional spaces to comply with the parking requirement for
12 the 4,500 square foot addition, for a total of 28 spaces. Ten spaces, however, are provided in 5 pairs
13 of tandem spaces. Pursuant to Section 17.44.210 of the Zoning Ordinance the Planning Commission
14 may allow for a reduced or alternative method of meeting the parking requirement if it is demonstrated
15 that adequate parking will be provided for customers, clients, visitors, and employees.

16 2. Given that it is not possible to provide the full complement of required parking in a
17 conventional layout, there is arguably less than required parking for the project. However, by providing
18 five stalls in tandem, it is possible to provide the required number of parking spaces for the project
19 although this parking configuration must be approved taking into consideration such factors that will
20 compensate for the parking “deficiency” as noted in Section 17.44.210. In this case the parking serves
21 office tenants exclusively who can manage the parking operation more efficiently to accommodate
22 parking demand in the facility. The future use of the building will be limited to professional and general
23 office use only, which will further ensure more regular and long-term parking for the use. The tandem
24 spaces will be assigned to employees, with each pair assigned to employees sharing the same tenant
25 space. Also, tandem parking will be assigned to employees and single access parking spaces will not
26 be assigned to any particular tenant our user to maximize the efficiency of the parking.

27 3. The Commission finds that the tandem parking for the proposed office uses, if
28 properly managed in accordance with the conditions of approval below, will provide adequate parking
29 for customers, clients, visitors, and employees.

30 Section 4. Based on the foregoing factual findings, and the findings that parking will be
adequate, the Planning Commission makes the following findings pertaining to the application for a
Precise Development Plan:

1 1. The overall building and project design is of a superior quality, is compatible with
2 surrounding properties and is designed in scale with the community. In making this finding, the Planning
3 Commission has determined that:

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- a. The building is designed with interesting architectural features and materials to enhance the overall project. The building contains architectural features, such as a large window at the entry lobby, decorative window and wall elements, mission tile roofing, and tiered building levels, that are interesting and enhance the project.
- b. Landscaping is utilized throughout the site in a manner that enhances the building and the site, and that mitigates the visual impacts of any flat and/or massive parts of the building. Sufficient landscaping will be utilized to enhance the project and mitigate adverse visual impacts of any flat and/or massive parts of the building and the parking lot.
- c. The project is compatible with neighboring projects with respect to height, scale, bulk and proportion. The building and proposed use is sufficiently compatible with neighboring projects with respect to height, scale, bulk and proportion.

2. Exceeding first tier height limits is warranted because the building design incorporates features to minimize and breakup the visual impacts of the higher structures on neighboring residential areas and the streetscape. In making this finding, the Planning Commission has determined that:

- a. The area of the portion of the structure that exceeds the first tier height limit does not cover the entire lot area, and such area is compensated by an area of the building that is at or less than the height limit. The use of the California Water Company property as a surface parking lot precludes the use of that property for a structure or structures that could also be built to the 35-foot height limit.
- b. The appearance of flat roofs and massive flat vertical walls is avoided through the use of stepping and tiered architectural features. The project contains stepped and sloping roofs along the First Street frontage.

3. Exceeding first tier maximum floor area/lot area ratio (F.A.R.) is warranted because the building design incorporates features to minimize the appearance of bulk, and to compensate for the bulk with attractive architectural features that enhance the building and reduce the visual impact of large areas of flat vertical walls. In making this finding, the Planning Commission has determined that:

- a. Significant and attractive architectural features are used to break up the bulky appearance of box-like structures. The project contains architectural features, such as variable roof heights and sloping roofs that are attractive and minimize box-like design.
- b. Step-ins and step-outs are used on the front of the building to break up bulky appearance. The project contains sufficient setbacks and projections to break up bulky appearance and create an attractive project.
- c. The roofline of the building is designed with variable heights, roof patterns or materials to avoid the appearance of a flat building.

1 4. The general criteria of Hermosa Beach Municipal Code Section 17.38.400(C) for
2 granting or conditionally granting a Precise Development Plan have been considered. In making this
3 finding, the Planning Commission has determined that:

- 4 a. The proximity of the project to existing residential uses will not result in negative effects.
- 5 b. The project's impact on ocean views from residential areas has been evaluated.
- 6 c. The amount of existing and proposed off-street parking is sufficient for actual need.
- 7 d. The use proposed is compatible with each other and with the area.
- 8 e. The capacity and safety of the streets serving the area is adequate for the traffic volume
9 estimated to be generated by the project.
- 10 f. The proposed exterior signs and decor are sufficiently compatible with existing
11 establishments in the area.
- 12 g. Building and driveway orientation is appropriate to minimize noise and traffic impacts on
13 nearby residential areas.
- 14 h. The project will not result in adverse noise, odor, dust or vibration environmental impacts.
- 15 i. The proposed use will not result in an adverse impact on the City's infrastructure and/or
16 services.

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18 5. The criteria of Hermosa Beach Municipal Code Section 17.38.400(D) for denial of a
19 Precise Development Plan are not applicable. In making this finding, the Planning Commission has
20 determined that:

- 21 a. The project will not substantially depreciate property values in the vicinity, or interfere
22 with the use or enjoyment of property in such area, because of excessive dissimilarity or
23 inappropriateness of design in relation to the surrounding vicinity.
- 24 b. The project will not have significant environmental adverse impacts

25 Section 5. Based on the foregoing factual findings, and the findings that parking will be
26 adequate, the Planning Commission makes the following findings pertaining to the application for a
27 Variance:

28 1. If the existing office building together with the adjacent property at 828 could be
29 developed in a typical manner it would allow more efficient parking, or the potential to provide two
levels of parking to meet the parking requirements for the existing building area and the expansion.
However, since the lot at 828 First Street will be shared between surface parking and its current use as

1 a pump station, it can only be partially used for surface parking. This circumstance is unique as it limits
2 the potential development of the commercially zoned property for office use and parking, and this can
3 be considered as exceptional and extraordinary.

4 2. The owners wish to exercise a property right, possessed by others in the commercial
5 zones to construct a functional and adequately sized remodeled office building. Without the Variances a
6 smaller addition (up to 2,990 square feet) could certainly be constructed, however, the size and floor
7 plan may not be economically feasible, nor allow an office facility comparable to similar facilities in
8 Hermosa Beach in the same zone and in similar locations along Pacific Coast Highway. Therefore, the
9 Variance is needed to preserve and enjoy a substantial property right.

10 3. The project will not be materially detrimental to property improvements in the vicinity and
11 Zone since the project complies with parking requirements for the expansion, and is only two spaces
12 short of current required parking for the existing portion of the building. The Variance relates to the
13 amount of expansion permitted for nonconforming uses, and does not make the project more deficient in
14 parking or any other requirement than a project that complied with the 100% expansion limit. Further,
15 the project will result in the elimination of an existing vacant building that has become a nuisance to the
16 neighborhood, and will enhance the aesthetic appearance of the building and the street.

17 4. The project is not unusually large or out of scale with the neighborhood, and is otherwise
18 in conformance with the Zoning Ordinance and the General Plan.

19 Section 6. Environmental Review.

20 1. Pursuant to the California Environmental Quality Act (“CEQA”) and the City's local
21 CEQA Guidelines, the Staff Environmental Review Committee prepared an Initial Study of the potential
22 environmental effects of the proposed project. Based upon the Initial Study, the Committee determined
23 that there was no substantial evidence, in light of the whole record before the City, that the project
24 would have a significant effect on the environment. City staff thereafter prepared a Negative
25 Declaration for the project and duly provided public notice of the public comment period and of the
26 intent to adopt the Negative Declaration. A copy of the Initial Study and Mitigated Negative
27 Declaration are attached hereto and incorporated herein by reference.
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1 2. The Planning Commission has reviewed the Negative Declaration and all comments
2 received regarding the Negative Declaration. Based on the whole record, the Planning Commission
3 finds that: (i) the Negative Declaration was prepared in compliance with CEQA; and (ii) there is no
4 substantial evidence that the proposed project will have a significant effect on the environment. Based
5 on these findings, the Planning Commission hereby adopts the Negative Declaration prepared for the
6 proposed project.

7 Section 7. Based on the foregoing, the Planning Commission hereby approves the subject
8 Parking Plan, Precise Development Plan and Variance subject to the following **Conditions of**
9 **Approval:**

- 10 **1. The development and continued use of the property shall be in conformance with**
11 **submitted plans reviewed by the Planning Commission at their meeting of October 15,**
12 **2002, incorporating all revisions as required by the conditions below. Minor modifications**
13 **to the plan shall be reviewed and may be approved by the Community Development**
14 **Director.**
- 15 **2. The Precise Development Plan, Parking Plan and Variance shall only be in effect after the**
16 **owner submits a grant deed demonstrating ownership of 828 First Street.**
- 17 **3. A revised roof plan shall be submitted to demonstrate compliance with the maximum**
18 **building height of 35-feet. The plans shall clearly show property lines, property corner**
19 **elevations, and maximum height critical points.**
- 20 **4. Architectural treatment of the building shall be as shown on building elevations and site**
21 **and floor plans. Any modification shall require approval by the Community Development**
22 **Director.**
 - 23 **a) The front elevation shall include decorative wall and window treatment as shown on**
24 **the submitted plans.**
 - 25 **b) The east elevation shall include all decorative wall, window and balcony treatment as**
26 **shown on the submitted plans.**
- 27 **5. Occupancy of the building shall be limited to professional and general office use.**
- 28 **6. Tandem parking shall be assigned for employee use only, with each pair assigned for**
29 **employees of the same business. All other parking (single access spaces) shall not be**
30 **assigned to any particular tenant or user and shall be open for all customers and**
31 **employees of the building to maximize efficient use of the parking.**
- 32 **7. Access to the parking lot through the gate along the east property line shall be limited to**
33 **California Water Company vehicles for emergency or service purposes. All other**
34 **vehicular access shall be through the building.**

- 1 **8. Water features, trellises, concrete turf block shall be included in the parking lot, as shown**
2 **on the plan, and maintained in satisfactory condition and operation**
- 3 **9. No parking in outdoor parking area shall be permitted after 7:00 P.M. daily or on**
4 **weekends.**
- 5 **10. No changes are allowed to the parking and the parking layout without Planning**
6 **Commission approval (with the exception of California Water Company, which may add or**
7 **change equipment as necessary for the operation of their utility, if it does not effect**
8 **parking).**
- 9 **11. The project shall comply with the requirements of the Fire Department and the Public**
10 **Works Departments.**
- 11 **12. The lots that comprise the project site (824 and 828 First Street) shall be merged into one**
12 **legal parcel.**
- 13 **13. Final building plans/construction drawings including site, elevation, floor plan, sections,**
14 **details, signage, landscaping and irrigation, submitted for building permit issuance shall be**
15 **reviewed for consistency with the plans approved by the Planning Commission and the**
16 **conditions of this resolution, and approved by the Community Development Director prior**
17 **to the issuance of any Building Permit.**
- 18 **14. All exterior lights shall be located and oriented in a manner to insure that neighboring**
19 **residential property and public right-of-way shall not be adversely effected.**
- 20 **15. An oil separator shall be provided in the parking lot to the satisfaction of the Public Works**
21 **Department.**
- 22 **16. The project and operation of the business shall comply with all applicable requirements of**
23 **the Municipal Code.**
- 24 **17. The Precise Development Plan, Parking Plan and Variance shall be recorded, and proof of**
25 **recordation shall be submitted to the Community Development Department.**
- 26 **18. Each of the above Conditions of Approval is separately enforced, and if one of the**
27 **Conditions of Approval is found to be invalid by a court of law, all the other conditions**
28 **shall remain valid and enforceable.**
- 29 **19. Permittee shall defend, indemnify and hold harmless the City, it 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

1 **notify the permittee of any claim, action, or proceeding and the City shall cooperate fully**
2 **in the defense. If the City fails to promptly notify the permittee of any claim, action or**
3 **proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no**
4 **thereafter be responsible to defend, indemnify, or hold harmless the City.**

5 **20. The permittee shall reimburse the City for any court and attorney's fees which the City**
6 **may be required to pay as a result of any claim or action brought against the City because**
7 **of this grant. Although the permittee is the real party in interest in an action, the City**
8 **may, at its sole discretion, participate at its own expense in the defense of the action, but**
9 **such participation shall not relieve the permittee of any obligation under this condition.**

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

14 Section 8. This grant shall not be effective for any purposes until the permittee and the owners
15 of the property involved have filed at the office of the Planning Division of the Community Development
16 Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of
17 this grant.

18 Section 9. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the
19 decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90
20 days after the final decision by the City Council.

21 VOTE: AYES:
22 NOES:
23 ABSTAIN:
24 ABSENT:

25 **CERTIFICATION**

26 I hereby certify the foregoing Resolution P.C. No. 02- is a true and complete record of the action
27 taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of
28 October 15, 2002.

29 _____
Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date

Pdpr824first