

**P.C. RESOLUTION 02-**

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**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN TO ALLOW DEVELOPMENT OF A ONE-STORY, 13,212 SQUARE FOOT COMMERCIAL BUILDING FOR A DRUG STORE AND MARKET, AND A DRIVE-THROUGH LANE FOR PURCHASE AND PICK-UP OF PHARMACY PRODUCTS AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 155 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS PORTIONS OF LOTS 90-95 INCLUSIVE AND LOTS 96, 97, 98, 118, AND 119 WALTER RANSOM CO'S VENABLE PLACE**

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

Section 1. An application was filed by Regency Centers, part owner and part lessee of property comprising the project site at 155 and 159 Pacific Coast Highway seeking approval of a Precise Development Plan to construct a 13,212 Square foot commercial building for a drugstore and market and a Conditional Use Permit for a drive-through pharmacy.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Precise Development Plan, and Conditional Use on November 19, 2002, and considered testimony and evidence. Based on the testimony and evidence received the Planning Commission makes the following factual findings:

1. The applicant is proposing to construct a one-story commercial building for a drugstore and market containing 13,212 square feet with a double drive-through lane for pharmacy drop off and pick up, which requires a Precise Development Plan pursuant to Chapter 17.58 of the Zoning Ordinance.
2. Pursuant to Section 17.26.040 regarding similar uses, the City Council previously determined that a drive-through teller window may be permitted in conjunction with a bank with the approval of a Conditional Use Permit. The proposed drive-through for a pharmacy is very similar to the bank and therefore also may be permitted with a Conditional Use Permit.
3. The subject site is located on the West Side of P.C.H. between First Place and Second Street. The property contains an auto dealership and repair business and one nonconforming residential building. The proposed project involves the demolition of all existing structures and the construction of a new one-story commercial building and surface parking lot.

1            Section 3. Based on the foregoing factual findings the Planning Commission makes the  
2 following findings pertaining to the application for a Precise Development Plan and Conditional Use  
3 Permit:

4            1. Pursuant to the guidelines in Section 17.38.330 of the Zoning Ordinance for review of  
5 projects that exceed first tier standards in the SPA 7 zone, The overall building and project design is of  
6 a superior quality, is compatible with surrounding properties and is designed in scale with the  
7 community. In making this finding, the Planning Commission has determined that:

8            a. The exterior of the building is designed with stepping rooflines and stepped features to  
9 avoid a massive flat building face. The building is enhanced with architectural features and  
10 materials to improve its appearance and function. The features in conjunction with a sign plan  
11 coordinated with exterior features show that quality and special attention has been given to the  
12 appearance at the street.

13            b. A landscape plan is included which shows ample and generous landscaping at the  
14 perimeter of the parking lot to enhance the building and the site. The landscaping when  
15 supplemented in accordance with conditions below will mitigate the visual impacts of the flat  
16 portions of the building.

17            c. Because of its low scale and relatively small size, the building will be compatible with  
18 neighboring projects, and the character of Pacific Coast Highway

19            2. The general criteria of Hermosa Beach Municipal Code Section 17.38.330(C) for  
20 granting or conditionally granting a Precise Development Plan in the S.P.A. 7 zone have been  
21 considered. In making this finding, the Planning Commission has determined that:

22            a. The proximity of the project to existing residential uses will not result in negative effects  
23 with incorporation of the conditions below.

24            b. The project will not have a negative on ocean views from residential areas as the building  
25 height will be lower than the existing building.

26            c. The amount of existing and proposed off-street parking is sufficient for actual need.

27            d. The use proposed is compatible with each other and with the area.

28            e. The capacity and safety of the streets serving the area is adequate for the traffic volume  
29 estimated to be generated by the project as shown by the traffic impact analysis prepared  
by Linscott, Law and Greenspan, which demonstrates that traffic generation will not  
significantly increase as compared to the existing uses on the site.

            f. The proposed exterior signs and decor are sufficiently compatible with existing  
establishments in the area with incorporation of the conditions below.

- 1 g. Building and driveway orientation is appropriate to minimize noise and traffic impacts on
- 2 nearby residential areas.
- 3 h. The project will not result in adverse noise, odor, dust or vibration environmental impacts.
- 4
- 5 i. The proposed use will not result in an adverse impact on the City's infrastructure and/or
- 6 services.

7 5. The criteria of Hermosa Beach Municipal Code Section 17.38.330(D) for denial of a  
8 Precise Development Plan are not applicable. In making this finding, the Planning Commission has  
9 determined that:

- 10 a. The project will not substantially depreciate property values in the vicinity, or interfere
- 11 with the use or enjoyment of property in such area, because of excessive dissimilarity or
- 12 inappropriateness of design in relation to the surrounding vicinity.
- 13
- 14 a. The project will not have significant environmental adverse impacts

15 Section 4. Environmental Review.

16 1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local  
17 CEQA Guidelines, the Staff Environmental Review Committee prepared an Initial Study of the potential  
18 environmental effects of the proposed project. Based upon the Initial Study, the Committee determined  
19 that there was no substantial evidence, in light of the whole record before the City, that the project  
20 would have a significant effect on the environment. City staff thereafter prepared a Negative  
21 Declaration for the project and duly provided public notice of the public comment period and of the  
22 intent to adopt the Negative Declaration. A copy of the Initial Study and Mitigated Negative  
23 Declaration are attached hereto and incorporated herein by reference.

24 2. The Planning Commission has reviewed the Negative Declaration and all comments  
25 received regarding the Negative Declaration. Based on the whole record, the Planning Commission  
26 finds that: (i) the Negative Declaration was prepared in compliance with CEQA; and (ii) there is no  
27 substantial evidence that the proposed project will have a significant effect on the environment. Based  
28 on these findings, the Planning Commission hereby adopts the Negative Declaration prepared for the  
29 proposed project.

30 Section 5. Based on the foregoing, the Planning Commission hereby approves the subject  
31 Precise Development Plan and Conditional Use Permit subject to the following **Conditions of**  
32 **Approval:**

- 33 **1. The development and continued use of the property shall be in conformance with**
- 34 **submitted plans reviewed by the Planning Commission at their meeting of November 19,**
- 35 **2002, incorporating all revisions as required by the conditions below. Minor modifications**

1 to the interior shall be reviewed and may be approved by the Community Development  
2 Director.

3 **2. The Precise Development Plan, and Conditional Use Permit shall only be in effect after**  
4 **the lots comprising the project site are merged in accordance with Section 16.20.110 of the**  
5 **Subdivision Ordinance.**

6 **3. A revised site plan shall be submitted incorporating the following revisions.**

7 **a. The trash dumpster and transformer shall be located away from the west side of the**  
8 **property to a satisfactory location approved by the Community Development Director.**

9 **b. The site plan shall clearly depict parking lot lighting, and all light fixtures shall be**  
10 **located such that property line walls or building walls shield the light source from**  
11 **residences to the west, with light directed downward to minimize off-site glare in all**  
12 **directions.**

13 **c. Temporary or seasonal storage trailers are not permitted and shall be omitted from the**  
14 **plan**

15 **4. A revised detailed landscape plan shall be submitted for review and approval by the**  
16 **Community Development Director incorporating the revisions below:**

17 **a. Additional landscaping shall be provided such that the project site is covered by**  
18 **minimum of 5% landscaped area (not including the required rear yard landscaped buffer).**

19 **b. Supplemental landscaping shall be provided to enhance the entry area, and the front of**  
20 **the building at the exit area for the drive-through, and surrounding the truck loading area.**

21 **5. The operating hours for the drugstore and market with off-sale alcohol sales shall be**  
22 **limited to between 7:00 A.M. and 11:00 P.M.**

23 **6. Truck and vendor deliveries shall be limited to between 9:00 A.M. and 6:00 P.M. daily.**

24 **7. Architectural treatment of the building shall be as shown on building elevations and site**  
25 **and floor plans. Any modification shall require approval by the Community Development**  
26 **Director.**

27 **8. A revised sign plan shall be submitted for review and approval by the Community**  
28 **Development Director incorporating the following revisions:**

29 **a. One free-standing sign is permitted, and shall be limited to a monument sign with a**  
30 **maximum height of ten (10) feet, which shall be located in a landscaped planter.**

31 **b. The south elevation of the building shall be limited to one business name sign, located**  
32 **as far east on the south side of the building as feasible. Accessory wall signs**  
33 **identifying products or services offered shall not be permitted on the south elevation of**  
34 **the building.**

- 1 9. The use of the drive-through lanes shall be for drop-off and pick up of pharmacy  
2 prescription products only, and shall not be used for general non-prescription merchandise.
- 3 10. A detailed drainage and Stormwater Pollution Prevention Plan is required for approval by  
4 the Public Works Department, prior to the issuance of building permits and implemented  
5 on site, demonstrating that on-site drainage will be eliminated through a filtering system  
6 with final specification subject to approval by the Public Works Department.
- 7 11. The applicant is responsible for all off-site right-of-way construction required by the Public  
8 Works Department as set forth in the attached memorandum date November 5, 2002.
- 9 12. The project shall comply with the requirements of the Fire Department.
- 10 13. Final building plans/construction drawings including site, elevation, floor plan, sections,  
11 details, signage, landscaping and irrigation, submitted for building permit issuance shall be  
12 reviewed for consistency with the plans approved by the Planning Commission and the  
13 conditions of this resolution, and approved by the Community Development Director prior  
14 to the issuance of any Building Permit.
- 15 14. All exterior lights shall be located and oriented in a manner to insure that neighboring  
16 residential property and public right-of-way shall not be adversely effected.
- 17 15. All roof equipment shall be located and designed to be screened from public view by the  
18 parapet walls.
- 19 16. The project and operation of the business shall comply with all applicable requirements of  
20 the Municipal Code.
- 21 17. The Precise Development Plan, Parking Plan and Variance shall be recorded, and proof of  
22 recordation shall be submitted to the Community Development Department.
- 23 18. Each of the above Conditions of Approval is separately enforced, and if one of the  
24 Conditions of Approval is found to be invalid by a court of law, all the other conditions  
25 shall remain valid and enforceable.
- 26 19. Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and  
27 employees from any claim, action, or proceeding against the City or its agents, officers, or  
28 employee to attack, set aside, void or annul this permit approval, which action is brought  
29 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 no  
thereafter be responsible to defend, indemnify, or hold harmless the City.
20. 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

1 of this grant. Although the permittee is the real party in interest in an action, the City  
2 may, at its sole discretion, participate at its own expense in the defense of the action, but  
3 such participation shall not relieve the permittee of any obligation under this condition.

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

8 Section 6. This grant shall not be effective for any purposes until the permittee and the owners  
9 of the property involved have filed at the office of the Planning Division of the Community Development  
10 Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of  
11 this grant.

12 Section 7. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the  
13 decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90  
14 days after the final decision by the City Council.

15  
16 VOTE: AYES:  
17 NOES:  
18 ABSTAIN:  
19 ABSENT:

20 CERTIFICATION

21 I hereby certify the foregoing Resolution P.C. No. 02- is a true and complete record of the action  
22 taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of  
23 November 19, 2002.

24 \_\_\_\_\_  
25 Ron Pizer, Chairman

26 \_\_\_\_\_  
27 Sol Blumenfeld, Secretary

28 \_\_\_\_\_  
29 Date

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