

November 27, 2002

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

**Regular Meeting of
December 5, 2002**

CONTINUED FROM THE MEETING OF NOVEMBER 19

SUBJECT: CONDITIONAL USE PERMIT 02-9
 PRECISE DEVELOPMENT PLAN 02-17

LOCATION: 155 PACIFIC COAST HIGHWAY

APPLICANT: ERWIN BUCY, REGENCY CENTERS
 555 FLOWER STREET, SUITE 3500
 LOS ANGELES, CA 90071

REQUEST: DEVELOPMENT OF A ONE-STORY, 13,212 SQUARE FOOT COMMERCIAL
 BUILDING FOR A DRUG STORE, INCLUDING A DRIVE-THROUGH LANE
 FOR PURCHASE AND PICK-UP OF PHARMACY PRODUCTS

Recommendation

To approve the requested Precise Development Plan and Conditional Use Permit subject to the conditions as contained in the attached Resolution.

ALTERNATIVE:

To deny the project by adoption of the attached alternative resolution.

Background / Analysis

The Planning Commission continued the hearing on the project and requested the applicant to enhance the exterior appearance of the building and to further explore providing driveway access from Pacific Coast Highway.

The applicant has submitted revised elevations, which now include a clay tile roof element at the entry and over the drive-through canopy. Additional relief is also provided with a split-face masonry wainscoat. The site plan also depicts an 8-foot wall height along the westerly property line and around the truck loading area for screening purposes, elimination of the seasonal storage trailer, additional landscaping, and relocated trash enclosure.

The applicant traffic engineer has provided a supplemental evaluation of the option of providing direct access to P.C.H. listing benefits and disbenefits. He concludes that the benefit of reducing local traffic on First Place and Second Street is minimal, and the potential safety and design problems of adding this access would be substantial. Further, he indicates CalTrans may not allow such access because there is no access currently, and a new curb cut will impact safety, and speed of traffic on P.C.H.

CONDITIONS OF APPROVAL

Based on the previous analysis and direction from the Commission the following is a summary of recommended Conditions of Approval in addition to standard conditions:

- ☐ Store hours limited to between 7:00 A.M. and 11:00 P.M.

- ❑ Deliveries limited to between 8:00 A.M. and 6:00 P.M. Monday through Friday, 9:00 – 6:00 on Saturdays and Sundays. Delivery trucks shall not idle engines during loading/unloading.
- ❑ Drive-through lane limited for pharmacy products only. No amplified equipment in drive-through lanes.
- ❑ Relocated trash dumpster and transformer as shown on the revised site plan away from adjacent residential property.
- ❑ Provision of on-site lighting with light and glare directed downward or away from residential property, and shielded by the property line walls or the building.
- ❑ No seasonal storage trailers.
- ❑ Eight foot high wall along westerly property line and around truck loading area.
- ❑ Westerly parking spaces designated for employee parking.
- ❑ Post parking lot for customer/employee parking, and secure parking lot after closing.
- ❑ The properties comprising the subject lot shall be merged into one contiguous property under one ownership.
- ❑ Limit free-standing sign to a 10-foot high monument sign per revised sign plan. Limit 1st and 2nd Street elevation signs to business name only.
- ❑ All requirements indicated in the attached memorandum from the Public Works Department including best management practices for stormwater runoff and off-site improvements.
- ❑ Supplemental landscaping in the entry area and in front of the building at drive-thorough as shown on the revised site plan; minimum 3-foot high landscaping along P.C.H. frontage; final landscape plan subject to approval of the Community Development Director.
- ❑ Decorative paver stones in driveways

Ken Robertson
Associate Planner

Concur:

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolutions
2. Feasibility study for PCH driveway access
3. Revised Site Plan and Elevations
4. Previous staff report w/attachments and plans

P.C. RESOLUTION 02-

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, and December 4, 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.

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

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

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

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

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

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

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

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

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

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

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

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

28 g. Building and driveway orientation is appropriate to minimize noise and traffic impacts on
29 nearby residential areas.

 h. The project will not result in adverse noise, odor, dust or vibration environmental impacts.

- 1 i. The proposed use will not result in an adverse impact on the City's infrastructure and/or
2 services.

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

- 6 a. The project will not substantially depreciate property values in the vicinity, or interfere
7 with the use or enjoyment of property in such area, because of excessive dissimilarity or
8 inappropriateness of design in relation to the surrounding vicinity.

- 9 a. The project will not have significant environmental adverse impacts

10 Section 4. Environmental Review.

11
12 1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local
13 CEQA Guidelines, the Staff Environmental Review Committee prepared an Initial Study of the potential
14 environmental effects of the proposed project. Based upon the Initial Study, the Committee determined
15 that there was no substantial evidence, in light of the whole record before the City, that the project
16 would have a significant effect on the environment. City staff thereafter prepared a Negative
17 Declaration for the project and duly provided public notice of the public comment period and of the
18 intent to adopt the Negative Declaration. A copy of the Initial Study and Mitigated Negative
19 Declaration are attached hereto and incorporated herein by reference.

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

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

- 29 **1. The development and continued use of the property shall be in conformance with submitted plans reviewed by the Planning Commission at their meeting of November December 4, 2002, incorporating all revisions as submitted by the applicant, and as required by the conditions below.**
- 2. The Precise Development Plan, and Conditional Use Permit shall only be in effect after the lots comprising the project site are merged in accordance with Section 16.20.110 of the Subdivision Ordinance.**

- 1 **3. A revised site plan shall be submitted incorporating the following revisions.**
 - 2 **a. The trash dumpster and transformer shall be located away from the west side of the**
 - 3 **property to a satisfactory location approved by the Community Development Director.**
 - 4 **b. The site plan shall clearly depict parking lot lighting, and all light fixtures shall be**
 - 5 **located such that property line walls or building walls shield the light source from**
 - 6 **residences to the west, with light directed downward to minimize off-site glare in all**
 - 7 **directions.**
 - 8 **c. A minimum 8 foot high decorative concrete masonry block wall shall be provided along**
 - 9 **the westerly property line and to screen the truck loading area.**
 - 10 **d. Temporary or seasonal storage trailers are not permitted and shall be omitted from the**
 - 11 **plan**
 - 12 **e. The parking stalls located along the westerly property line shall be designated for**
 - 13 **employee parking.**
- 14 **4. A revised detailed landscape plan shall be submitted for review and approval by the**
15 **Community Development Director incorporating the revisions below:**
 - 16 **a. Landscaping shall be provided such that the project site is covered by minimum of 5%**
17 **landscaped area (not including the required rear yard landscaped buffer).**
 - 18 **b. Supplemental landscaping shall be provided to enhance the entry area, and the front of**
19 **the building at the exit area for the drive-through, and surrounding the truck**
20 **loading area.**
 - 21 **c. Landscaping along the P.C.H. frontage shall be minimum three-feet in height.**
 - 22 **d. Decorative stone pavers shall be provided in the driveway areas.**
- 23 **5. The operating hours for the drugstore and market with off-sale alcohol sales shall be**
24 **limited to between 7:00 A.M. and 11:00 P.M.**
- 25 **6. Truck and vendor deliveries shall be limited to between 8:00 A.M. and 6:00 P.M. Monday**
26 **through Friday, and between 9:00 A.M. and 6:00 P.M. Saturdays and Sundays. Delivery**
27 **truck engines shall be shut off during loading and unloading.**
- 28 **7. The parking area shall be posted with signs indicating parking is for customers and**
29 **employees only during store hours. The parking lot shall be secured after closing.**
- 30 **8. Architectural treatment of the building shall be as shown on building elevations and site**
31 **and floor plans. Any modification shall require approval by the Community Development**
32 **Director.**
- 33 **9. A revised sign plan shall be submitted for review and approval by the Community**
34 **Development Director incorporating the following revisions:**
 - 35 **a. One free-standing sign is permitted, and shall be limited to a monument sign with a**
36 **maximum height of ten (10) feet, which shall be located in a landscaped planter.**
 - 37 **b. The north and south elevations of the building shall be limited to one business name**
38 **sign, located as far east on the south side of the building as feasible. Accessory wall**

signs identifying products or services offered shall not be permitted on the south elevation of the building.

10. The use of the drive-through lanes shall be for drop-off and pick up of pharmacy prescription products only, and shall not be used for general non-prescription merchandise.
11. Prior to the issuance of building permits, the applicant or their designee shall prepare a Phase I Hazardous Materials Study for the subject site for submittal to Community Development. Any required remediation shall be undertaken by the applicant in coordination with responsible agencies and such remediation shall be completed to the satisfaction of the City prior to construction.
12. A detailed drainage and Stormwater Pollution Prevention Plan is required for approval by the Public Works Department, prior to the issuance of building permits and implemented on site, demonstrating that on-site drainage will be eliminated through a filtering system with final specification subject to approval by the Public Works Department.
13. The applicant is responsible for all off-site right-of-way construction required by the Public Works Department as set forth in the attached memorandum date November 5, 2002.
14. The project shall comply with the requirements of the Fire Department.
15. Final building plans/construction drawings including site, elevation, floor plan, sections, details, signage, landscaping and irrigation, submitted for building permit issuance shall be reviewed for consistency with the plans approved by the Planning Commission and the conditions of this resolution, and approved by the Community Development Director prior to the issuance of any Building Permit.
16. 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 effected.
17. All roof equipment shall be located and designed to be screened from public view by the parapet walls.
18. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
19. The Precise Development Plan, Parking Plan and Variance shall be recorded, and proof of recordation shall be submitted to the Community Development Department.
20. Each of the above Conditions of Approval 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.

1 **21. Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and**
2 **employees from any claim, action, or proceeding against the City or its agents, officers, or**
3 **employee to attack, set aside, void or annul this permit approval, which action is brought**
4 **within the applicable time period of the State Government Code. The City shall promptly**
5 **notify the permittee of any claim, action, or proceeding and the City shall cooperate fully**
6 **in the defense. If the City fails to promptly notify the permittee of any claim, action or**
7 **proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no**
8 **thereafter be responsible to defend, indemnify, or hold harmless the City.**

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

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

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

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

25 VOTE: AYES:
26 NOES:
27 ABSTAIN:
28 ABSENT:

29 CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 02- 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
December 4, 2002.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date

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