

P.C. RESOLUTION NO. 06-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MODIFYING CONDITIONS OF APPROVAL OF A PREVIOUSLY APPROVED PRECISE DEVELOPMENT PLAN AND PARKING PLAN FOR AN EXPANSION AND REMODEL TO AN EXISTING COMMERCIAL BUILDING AND SHARED PARKING TO ACCOMMODATE A NEW ALLOCATION OF USES WITHIN THE “HERMOSA PAVILION” INCLUDING A NEW HEALTH AND FITNESS FACILITY, OFFICES, RETAIL AND RESTAURANT USES AT 1601 PACIFIC COAST HIGHWAY AKA 1605 PACIFIC COAST HIGHWAY.

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

Section 1. On August 19, 2003, the Planning Commission adopted P.C. Resolution 03-45 to approve an application by Shook Development Corporation owner of property at 1605 Pacific Coast Highway, known as the “Hermosa Pavilion”, to amend a previously approved Precise Development Plan and Parking Plan to remodel and expand an existing commercial building and to allow shared parking to accommodate a new allocation of uses within the building including a health and fitness facility, office, retail and restaurant uses.

Section 2. At the Planning Commission meeting of February 21, 2006, the Planning Commission conducted a six-month review of parking operations as required by Condition No. 3(b) of P.C. Resolution 0-45 to evaluate if parking supply and parking efficiency were adequate. At that time, it was shown based parking surveys conducted by the property owners consultant, city staff, and on testimony considered from the public that the parking structure was not being used efficiently, causing detrimental spillover parking into the neighborhood, and the owner was given the opportunity to resolve these problems. At the March 21, 2006 meeting, the Planning Commission found that the solutions presented by the owner would not significantly reduce or alleviate the problem and, pursuant to Section 17.70.010 E and F of the Zoning Ordinance that the Precise Development Plan and Parking Plan was therefore being exercised contrary to the terms or conditions of the approval and was causing a nuisance, and, therefore, directed staff to schedule a public hearing to consider revocation or modifications to the Precise Development Plan and Parking Plan (P.C. Resolution 03-45), in order to resolve the problems being caused by inefficient use of the parking structure.

Section 3. The Planning Commission conducted a duly noticed public hearing to consider the revocation or modification of the Precise Development Plan and Parking Plan on April 18, 2006, pursuant to Section 17.70.010 of the Zoning Ordinance (sub-sections E and F), at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 4. Based on evidence received at the public hearing, the Planning Commission makes the following findings:

1 1. The parking facility is currently not operating in compliance with the terms of the Parking
2 Plan and Precise Development Plan as amended in 2003 for the following reasons:

3 a) The six-month review of operations of the parking facility as required by the
4 Parking Plan and Precise Development Plan has not demonstrated that the efficiency of the
5 parking operation is adequate. Instead the six-month review has clearly demonstrated (by
6 parking intercept surveys, and testimony from residents) that a significant percentage of
7 customers of the building are utilizing on-street parking in the residential neighborhoods
8 rather than using the parking structure. The parking in the structure costs at least one dollar
with validation for two hours, with an additional dollar for each hour, while the parking on
the nearby streets is free. This disparity in cost is the primary reason for this inefficient use
of the parking facility.

9 b) The demonstrated spillover parking is causing detrimental effects on these
10 residential neighborhoods, as shown by the spillover parking, and supported by testimony
11 from residential property owners and occupants in the neighborhoods along 16th Street.

12 2. The allocation of uses and the use of the parking facility with shared parking to meet parking
13 requirements, for which the Parking Plan was granted, is not being exercised in accordance with
14 the approval and the assumption of the shared parking. Instead the operation of the parking
facility is resulting in a detrimental impact to the public health, and safety and constitutes a
nuisance, in that:

15 a) Spillover parking into nearby public parking areas along both residential and
16 commercial streets is detrimental to the existing businesses and residences which have long
17 established practice of using this on street parking.

18 b) The use of on-street parking across Pacific Coast Highway is forcing customers and
19 patrons of the Pavilion to cross P.C.H. which is a hazard to both the pedestrians crossing the
street and the vehicles traveling on P.C.H.

20 c) Another review of parking operations and spillover effects within 6 months, after
21 removal of the disparity in the cost of parking, will demonstrate if the cost of parking is causing
22 this spillover parking.

23 3. The applicant has not demonstrated that his proposals noted below (3a – 3c) mitigate the
24 demonstrated spillover parking and result in any substantial reduction or alleviation of the
inefficient use of the parking facility and spillover parking into nearby neighborhoods:

25 a) The tandem assisted free parking would only available for those willing to park in
26 level 2, which is not the most convenient location in the structure, and may not be more
27 convenient then nearby on-street parking.

28 b) The monthly parking passes are aimed only at frequent users, as it would not make
29 any sense for those parking 2-hours or less per visit who use the structure less than 20 times a
month to spend \$20 for a monthly pass. So a typical gym patron that comes 2-4 times a week
would have no reason to purchase a pass.

1 c) The smoothie validation program provides for free validated parking for customers
2 purchasing a \$5 or \$6 smoothie. As such, its potential effect is limited, and instead of addressing
3 the cost disparity, it results in a substantial cost to park in the structure.

4 Section 5. Based on the foregoing, the Planning Commission hereby modifies and
5 amends the subject Precise Development Plan and Parking Plan, subject to the following
6 **Conditions of Approval**, which supersede and incorporate the conditions of P.C. Resolution 03-
7 45.

8 **A. New Conditions**

9 **Two hour free validated parking shall be provided for patrons of the businesses and offices
10 within the Hermosa Pavilion.**

11 **The effectiveness of the free validated parking program and the overall efficiency of the use
12 of the parking structure and off-site parking impacts shall be evaluated in 6-months from
13 the effective date of this Resolution. The owner shall provide the necessary parking
14 receipts, and parking intercept surveys and parking counts to demonstrate the
15 effectiveness of this program.**

16 **B. Original Conditions of Approval**

- 17 **1. The development and continued use of the property shall be in conformance with
18 submitted plans reviewed by the Planning Commission at their meeting of August
19 19, 2003. Minor modifications to the plan shall be reviewed and may be approved
20 by the Community Development Director, including modifications to the
21 allocation of uses if consistent with the shared parking analysis.**
- 22 **2. To ensure compliance with the Parking Plan for shared parking the allocation of
23 uses within the building shall be substantially consistent or less than the following
24 allocation:**

	<u>Allocation(in square feet)</u>
Health and Fitness Facility (including a basketball court and pool)	46,500
Office	26,000
Retail	28,500
Restaurant	4,000
Total	105,000

25 **Any material change to this allocation requires amendment to the Parking Plan,
26 and approval of the Planning Commission.**

- 27 **3. A parking operation plan shall be submitted for approval by the Planning
28 Division prior to issuance of the building permit for the Health and Fitness
29 Facility, ensuring maximum use of parking structure consistent with the Shared
Parking Analysis (prepared by Linscott, Law and Greenspan, dated August 3,**

1 **2003), and to ensure efficient ingress and egress to and from the structure. The**
2 **parking structure shall be operated in accordance with said plan.**

3 **a) A minimum of 450 single use and 30 dual use (tandem) parking spaces shall**
4 **be available within the structure for employees and customers of all tenants**
5 **within the building, and all parking shall be available on a first come first**
6 **serve basis (i.e. no assigned parking except that tandem spaces may be**
7 **assigned to employees).**

8 **b) The adequacy of parking supplies and the efficiency of the parking operation**
9 **program shall be monitored for six-months after occupancy of the Health and**
10 **Fitness Facility, and annually thereafter in the month of January, with a**
11 **report submitted to the Community Development Department by the**
12 **applicant's traffic engineer certifying adequate on-site parking is available. If**
13 **supplies are found to be inadequate, the applicant shall provide valet assisted**
14 **parking, and a detailed valet assistance program shall be provided to the City**
15 **for review by the City's traffic engineer. If the City's traffic engineer finds**
16 **the parking supply inadequate the Planning Commission shall review the**
17 **Parking Plan and may modify the Parking Plan to resolve any parking**
18 **inadequacy.**

19 **c) A lighting and security plan, including possible use of security personnel shall**
20 **be reviewed and approved by the Police Department to ensure that the**
21 **parking structure is well lit and safe for the patrons prior to issuance of**
22 **building permits.**

23 **4. Architectural treatment including sign locations shall be as shown on building**
24 **elevations and site and floor plans. Any modification shall require approval by**
25 **the Community Development Director**

26 **5. The project shall comply with the requirements of the Fire Department and the**
27 **Public Works Department.**

28 **6. Final building plans/construction drawings including site, elevation, floor plan,**
29 **sections, details, signage, landscaping and irrigation, submitted for building**
30 **permit issuance shall be reviewed for consistency with the plans approved by the**
31 **Planning Commission and the conditions of this resolution, and approved by the**
32 **Community Development Director prior to the issuance of any Building Permit.**

33 **a. The landscape plans shall include landscaping along Pacific Coast Highway**
34 **and street trees and shall be consistent with the original landscape plans**
35 **approved for the Hermosa Pavilion, subject to review and approval of the**
36 **Community Development Director.**

37 **b. Project plans shall include insulation to attenuate potential noise problems**
38 **with surrounding residential uses.**

- 1 **7. All exterior lights shall be located and oriented in a manner to insure that**
2 **neighboring residential property and public right-of-way shall not be adversely**
3 **effected.**
- 4 **8. Bicycle racks shall be provided in conveniently accessible locations to the**
5 **satisfaction of the Community Development Director**
- 6 **9. The project and operation of the businesses shall comply with all applicable**
7 **requirements of the Municipal Code.**
- 8 **10. The Precise Development Plan and Parking Plan shall be recorded, and proof of**
9 **recordation shall be submitted to the Community Development Department.**

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

14 The Precise Development Plan and Parking Plan shall be recorded, and proof of
15 recordation shall be submitted to the Community Development Department.

16 Each of the above conditions is separately enforced, and if one of the conditions of
17 approval is found to be invalid by a court of law, all the other conditions shall remain valid and
18 enforceable.

19 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and
20 employees from any claim, action, or proceeding against the City or its agents, officers, or
21 employee to attack, set aside, void or annul this permit approval, which action is brought within
22 the applicable time period of the State Government Code. The City shall promptly notify the
23 permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If
24 the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City
25 fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend,
26 indemnify, or hold harmless the City.

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

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

36 The Planning Commission may review this Precise Development Plan and Parking Plan
37 and may amend the subject conditions or impose any new conditions if deemed necessary to
38 mitigate detrimental effects on the neighborhood resulting from the subject use.

