P.C. RESOLUTION 06-30

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN TO CONSTRUCT A NEW 19,000 SQUARE FOOT THREE-STORY COMMERCIAL BUILDING WITH BASEMENT PARKING CONTAINING OFFICE, SNACK SHOP, AND RESTAURANT USES; A CONDITIONAL USE PERMIT FOR A COMMERCIAL CONDOMINIUM AND VESTING TENTATIVE TRACT MAP NO. 67748 TO DIVIDE THE BUILDING INTO UP TO 35 CONDOMINIUM UNITS (33 OFFICE UNITS ON THE UPPER FLOORS AND ONE RESTAURANT AND ONE SNACK SHOP UNIT ON THE GROUND FLOOR); A CONDITIONAL USE PERMIT FOR OUTDOOR SEATING FOR THE RESTAURANT AND SNACK SHOP; AND, A PARKING PLAN TO BASE THE PARKING REQUIREMENTS ON THE PEAK SHARED PARKING REQUIREMENTS OF THE PROPOSED USES AND TO PAY PARKING IN-LIEU FEES TO COMPENSATE FOR PROVIDING LESS THAN REQUIRED PARKING ON SITE, AND A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS, LOCATED ON PROPERTY AT 1429 HERMOSA AVENUE AND LEGALLY DESCRIBED AS LOTS 15, 16, 17AND 18 HERMOSA BEACH TRACT

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

Section 1. An application was filed by Hermosa Office Condo Partners, L.L.C. owner of property at 1429 Hermosa Avenue seeking approval of a Precise Development Plan, Conditional Use Permit to construct a commercial condominium building containing 35-units, with office, restaurant, and snack shop uses, outdoor seating, and a Parking Plan for reduced parking requirements based on the peak shared parking demand of the proposed uses, and to pay parking in-lieu fees to compensate for less than required parking.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on October 17, 2006, and considered testimony and evidence both written and oral. Based on the testimony and evidence received the Planning Commission makes the following factual findings:

- 1. The subject site is located on the west side of Hermosa Avenue at its southwest intersection with 15th Street. The property is currently used for a restaurant and snack shop with surface parking
- 2. The project involves the demolition of all existing improvements and the construction of a three story building with subterranean parking, containing restaurant and snack shop uses on the ground floor of the building and offices on the second and third floor, and includes basement parking, and parking on the alley with a total of 34 parking spaces. The total allocation of uses for the project, excluding common areas and the common lobby area, include approximately 13,161 square feet for offices, 3,448 square feet for the restaurant and outside seating area, and 1,495 square feet for the snack shop.

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- 3. The building contains up to 35 separate commercial units intended to be sold separately as condominium units. Commercial condominiums require a Conditional Use Permit pursuant to Section 17.22.100 of the Zoning Ordinance and approval of a tentative tract map
- 4. Since the project is located in the downtown district, the retail and office uses are subject to the parking requirements of Section 17.44.040 which require 3 parking spaces per 1,000 square feet of floor area, and the snack shop use may also be considered a retail use for the calculation of parking requirements subject to approval of a Parking Plan. This results in a aggregate total off-street parking requirement of 77 spaces. There are 34 spaces provided on site, 27 in the subterranean garage, and 7 with direct access on the alley.
- 5. The applicant is requesting consideration of a Parking Plan, pursuant to Section 17.44.210 for a reduced parking requirement, based on the shared peak parking demand of the proposed combination of uses, and also requesting to pay parking in-lieu fees for the deficiency to the shared parking requirements.
- Section 3. Based on the foregoing factual findings the Planning Commission makes the following findings pertaining to the application for a Precise Development Plan, Conditional Use Permit, and Parking Plan:
- 1. The project is consistent with applicable general and specific plans and is in compliance with the use and development requirements of the Zoning Ordinance;
- 2. The site is zoned C-2 and is physically suitable for the type and density of proposed development and the project and the proposed use complies with the development standards contained therein;
- 3. The subdivision or types of improvements are not likely to cause serious public health problems;
- 4. The subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision;
- 5. Design of the proposed subdivision is compatible and consistent with applicable elements of the City's General Plan, and is compatible with the immediate environment;
- 6. The project, as conditioned, will conform to all zoning and condominium laws and criteria and will be compatible with neighboring residential properties;
- 7. Pursuant to Section 17.44.210 of the Zoning Ordinance, which allows a reduction in parking spaces required based on factors including shared parking (i.e. consideration of the differing peak hours of the proposed uses in multi-tenant buildings) the applicant has provided all the information necessary to show that the off-street parking will only be deficient by 7 spaces to actual peak demand, based on the shared parking analysis submitted by Linscott, Law and Greenspan, which shows a peak parking demand for 10:00 A.M. and 2:00 P.M. on weekdays, of 41 spaces.

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The project will not have significant environmental adverse impacts.

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- The requirements of Hermosa Beach Municipal Code Section 17.44.040 for granting a Parking Plan for the payment of in-lieu fees for a portion of the required parking, and the policies contained in the Local Coastal Plan, have been considered and are satisfied by the proposal. In making this finding, the Planning Commission has determined that:
 - a. 83% of the required parking is provided on site, to exceed the minimum 25% required for buildings with a greater than 1:1 floor area ratio pursuant to Section 17.44.040(E)
 - b. Sufficient parking exists and is being provided on-site in conjunction with the project to accommodate the parking demand of the project without causing a significant adverse impact on parking that is available to the beach going public.
- 12. The City Council, at its meeting of August 8, 2006, set the parking in-lieu fee of at \$28,900 per required parking space, payable in lump sum prior to issuance of Certificate of Occupancy.

Section 4. Environmental Review.

- 1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the Staff Environmental Review Committee prepared an Initial Study of the potential environmental effects of the proposed project. Based upon the Initial Study, the Committee determined that there was no substantial evidence, in light of the whole record before the City, that the project would have a significant effect on the environment as long as certain mitigation measures are incorporated into the project to address parking issues. City staff thereafter prepared a Mitigated Negative Declaration for the project and duly provided public notice of the public comment period and of the intent to adopt the Negative Declaration. A copy of the Initial Study and Mitigated Negative Declaration are attached hereto and incorporated herein by reference.
- The Planning Commission has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration. Based on the whole record, the Planning Commission finds that: (i) the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) there is no substantial evidence that the proposed project will have a significant effect on the environment with the mitigation measures incorporated. Based on these findings, the Planning Commission hereby adopts the Mitigated Negative Declaration prepared for the proposed project incorporating the following mitigation measure:
 - a. Parking in-lieu fees shall be paid to compensate for the parking deficiency.
 - b. Parking shall be proved for customers and employees free of charge and on a first come first serve basis (i.e. no assigned parking) to maximize the efficient use of the on-site parking facilities.
 - c. The restaurant use shall only be open and in operation on weekday evenings and weekends

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- 1. The development and continued use of the property shall be substantially consistent with submitted plans as reviewed by the Planning Commission at their meeting of October 17, 2006, incorporating all revisions as required by the conditions below. Any major modification, including changes in the allocation of uses within the buildings, shall be subject to review and approval of the Planning Commission. Minor modifications may be approved by the Community Development Director but shall not be final until confirmed by the Planning Commission as a consent calendar item on the Commission agenda.
- 2. Final plans for building permit issuance shall be revised to incorporate the following.
 - a. Install appropriate pavement marking (i.e. stop bar with STOP legend) on the project drive aisle just south of the public sidewalk to ensure motorists stop prior to the sidewalk before exiting the site
 - b. Install appropriate signage and pavement right turn arrow on the internal ramp leading to the site driveway indication right-turn only traffic movement at the approach to 15th Street per recommendations in the project parking and traffic report.
 - c. Provision of street trees and tree grates as approved by the Public Works
 Department in coordination with plans to improve Hermosa Avenue, or
 alternatively the owner shall deposit the necessary funds for the improvements to
 be constructed at a later date.
 - d. Decorative paving surfaces for the pedestrian entry, and entries into the parking areas shall be provided.
 - e. On-street parking and parking meter locations shall be reconfigured to maximize on-street parking.
- 3. A revised detailed landscape plan for on-site, and off-site landscaping, consistent with the conceptual plan shall be submitted for review and approval by the Community Development Director prior to issuance of building permits incorporating the revisions below:
 - a. Decorative surfaces shall be provided at driveway entry areas and at the pedestrian entry areas consistent with the submitted plan.
 - b. Street trees shall be provided as per the conceptual landscape plan with final tree location, type, and tree grates to be reviewed and approved by the Public Works Director.
 - c. Bicycle parking shall be provided in a convenient location, to the satisfaction of the Community Development Director.
- 4. In order to compensate for required parking that is not provided on site, the applicant shall contribute fees to the City's parking improvement fund in lieu of the required seven parking spaces, as set forth in Section 17.44.040(E) of the Zoning Ordinance, at the amount of \$28,900 per required space as set forth by resolution of the City Council.

The payment of fees in-lieu of parking shall be made prior to issuance of a Certificate of Occupancy for the building.

- 5. All parking shall be available for free to customers and employees and no parking spaces shall be assigned for exclusive use by any owner, occupant, or tenant.
- 6. A parking management and operations plan shall be submitted for review and approval by the Planning Commission, regarding parking operations, efficiency, signage, and security and control of access, and setting forth a program to ensure free parking for the employees/customers of the building through the use of validation, or passes, or other method, and said plan shall include how the Parking Plan will be enforced including the signage to be posted in the parking facilities. The plan shall be implemented when the building is occupied. The Commission shall review the parking management plan and the operation and efficiency of parking facility 6 months after occupancy of the building.
- 7. Architectural treatment of the building and all finishes shall be as shown on building elevations and site and floor plans. Any modification shall require approval by the Community Development Director.
- 8. A detailed comprehensive sign plan shall be submitted for review and approval by the Community Development Director incorporating specifications for all individual tenant or owner signs that shall be consistent with that plan.
- 9. The allocation uses of the building shall be as shown on the plan, shall be limited to general office, restaurant and snack shop uses allowed in the C-2 zone and as allocated in the project Traffic Impact Study prepared by Linscott, Law and Greenspan dated September 20, 2006, with the following approximate allocation of uses, and shall not include any other uses subject to greater parking requirements.

Office	13,161 SF
Restaurant	3,448 SF
Snack Shop	1,495 SF
Total SF	18,104

The Office allocation does not include stair corridors, common lobby, common locker rooms or storage, and the restaurant allocation includes outdoor seating areas. General office use does not include medical clinics, or retail businesses or services. Any material change in the allocation of uses shall be reviewed and approved by the Planning Commission.

10. A covenant shall be incorporated into the Covenants, Codes and Restrictions for the condominiums and recorded with the property, and with State Department of Real Estate if necessary, stipulating that storage, lockers, lobby and other common areas cannot be converted to condominium office space.

- 11. The restaurant use shall have limited operating hours as follows: Weekday evenings from 5:00 P.M. until midnight, and weekends (Saturdays and Sundays and including Federal holidays) between 7:00 A.M. and midnight.
- 12. Outdoor seating and use of the outdoor courtyard for the snack shop and/or restaurant use shall be limited to between 7:00 A.M. and 10:00 P.M. and no entertainment, speakers, or televisions are allowed in the outdoor seating and courtyard areas.
- 13. The reduced parking requirement as applied to the snack shop is subject to approval by the Planning Commission, pursuant to Section 17.44.030(O) of the Zoning Ordinance, based on tenant improvement plans submitted for a Parking Plan review prior to issuance of permits for interior improvements.
- 14. The restaurant operation, if it includes on sale beer and wine or alcohol requires a Conditional Use Permit, pursuant to Chapter 17.40 of the Zoning ordinance, based on detailed tenant improvement plans submitted for review and approval by the Planning Commission.
- 15. Deliveries shall be permitted on Hermosa Avenue and shall be scheduled in a staggered manner, and limited to between the hours of 9:00 A.M. and 5:00 P.M.
- 16. The lots that make up the project site shall be merged.

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- 17. Final verification of compliance with the height limit requires submittal of revised roof plan with property corner elevations and finished roof heights, and maximum heights identified at the critical points.
- 18. A detailed drainage and (SUSMP) Standard Urban Stormwater Mitigation Plan is required for approval by the Public Works Department, prior to the issuance of building permits and implemented on site, demonstrating best management practices for stormwater pollution control, and for sediment control and erosion control during construction.
- 19. The project shall meet all requirements of the Condominium Ordinance.
 - a. Covenants, Conditions, and Restrictions in compliance with the Condominium Ordinance Section 17.22.120 shall be submitted to the Community Development Department for review and approval prior to the issuance of building permits.
 - b. The Covenants, Conditions and Restrictions shall include all conditions of approval as contained herein, and shall also strictly prohibit any residential use and any use of the condominium units for overnight sleeping purposes.
 - b. Proof of recordation of approved CC & R's shall be submitted to the Community Development Director thirty (30) days after recordation of the Final Map.
- 20. The applicant is responsible for all off-site right-of-way construction required by the Public Works Department, or alternatively, may deposit funds in amount to cover the cost for future right-of-way construction for the Pier Avenue frontage.

- 21. The applicant shall submit all required plans and reports to comply with the City's construction debris recycling program including manifests from both the recycler and County landfill.
- 22. The project shall comply with the requirements of the Fire Department.

- 23. 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.
- 24. All roof equipment shall be located and designed to be screened from public view and any portion that exceeds the height limit shall not cover more than 5% of the roof area.
- 25. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
- 26. The Precise Development Plan and Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department.
- 27. 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.
- 28. 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 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 not thereafter be responsible to defend, indemnify, or hold harmless the City.
- 29. 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 of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.
- 30. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

1 Section 6. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at the office of the Planning Division of the 2 Community Development Department their affidavits stating that they are aware of, and agree to 3 accept, all of the conditions of this grant. 4 Section 7. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council. VOTE: AYES: Hoffman, Allen, Kersenboom, Perrotti, Pizer NOES: None ABSTAIN: None 8 ABSENT: None 9 **CERTIFICATION** 10 I hereby certify the foregoing Resolution P.C. No. 06-30 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their 11 regular meeting of October 17, 2006. 12 13 Kent Allen, Chairman Sol Blumenfeld, Secretary 14 November 21, 2006 15 Date 16 F:\B95\CD\PC\2006\11-21-06\PDPR-1429 Hermosa Av.doc 17 18 19 20 21 22

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