

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

**Regular Meeting of
March 20, 2007**

CONTINUED TO CONFIRM DENIAL, OR RECONSIDER THE PROJECT AS REVISED

SUBJECT: PRECISE DEVELOPMENT PLAN 07-1; CONDITIONAL USE PERMIT
(CONDOMINIUM) 07-1; VESTING TENTATIVE TRACT MAP #68380; PARKING
PLAN 07-1

LOCATION: 906-910 HERMOSA AVENUE

APPLICANT: HERMOSA SEASIDE DEVELOPMENT CORPORATION
P.O. BOX 1002
PALOS VERDES ESTATES, CA 90274

REQUESTS: PRECISE DEVELOPMENT PLAN TO CONSTRUCT A NEW 9,500 SQUARE FOOT
THREE-STORY COMMERCIAL OFFICE BUILDING WITH BASEMENT AND FIRST
FLOOR PARKING

CONDITIONAL USE PERMIT FOR A COMMERCIAL CONDOMINIUM AND
TENTATIVE TRACT MAP TO DIVIDE THE BUILDING INTO UP TO 21
CONDOMINIUM UNITS

PARKING PLAN TO BASE THE PARKING REQUIREMENTS ON NET FLOOR AREA
OF THE OFFICES AND TO PAY PARKING IN-LIEU FEES TO COMPENSATE FOR
PROVIDING LESS THAN REQUIRED PARKING ON SITE

Recommendation

To direct staff as deemed appropriate.

Background

At the February 20th meeting, the Planning Commission voted to deny the subject project, because of the proposed driveway access on Hermosa Avenue. Since no denial resolution was adopted, the decision was made pending adoption of a resolution at the March meeting. Attached is the denial resolution to deny the project.

Since the decision at the last meeting was not final, the Planning Commission may reconsider its decision. The applicant is requesting such reconsideration, and has submitted a revised plan to address the Commission's concerns about the driveway on Hermosa Avenue. The applicant has also paid for the public hearing which has been fully re-noticed which allows the Commission to consider this request.

Analysis

The applicant's revised plan incorporates a new driveway design on the Hermosa Avenue frontage. The plan still includes driveway access on Hermosa Avenue to access the 9 parking spaces proposed on the ground floor. However, the access drive has been reduced from 20 feet to 12 feet, and glass paneled roll up door is included to conceal the driveway. Also, planters along the building frontage have been removed and the building façade is aligned to abut the sidewalk. This revision only partially addresses the stated concerns of the Planning Commission, since the building will still contain a driveway and garage access from Hermosa Avenue. The plans, as revised, also result in a slight decrease in the net office square footage, which reduces the total parking requirement from 27 to 26 spaces, and the deficiency subject to the in-lieu feet to seven spaces.

In considering the revision, the Commission should consider whether the concern about the effect on the streetscape is more important than having a reasonable amount of on site parking in connection with redevelopment of a site that currently has very little streetscape appeal. The applicant has presented an alternative to address the aesthetic concerns, which allows the additional on site parking. Also, it should be noted that the proposed use is a fairly low intensive office use, which generates low parking demand and low turnover, meaning that the use of the driveway and roll-up door should be infrequent. Further, this location is not in the heart of the downtown district, and currently has a curb cut to access the existing parking garage, which potentially could be a much more intensively used parking lot in the future, if the applicant chose to expand the existing retail use at 906 Hermosa Avenue, rather than redeveloping the property as proposed.


If the Commission is satisfied with this revision, the project can be approved, since it was properly noticed. If the Commission is still not satisfied with this design, and would prefer to see the project access limited to the alley only, staff would suggest that rather than deny the project, that the applicant be given the opportunity to revise the project accordingly. For example, the project scope could be reduced or the applicant could pay for additional in-lieu parking spaces.


The Commission has the following alternatives:

- 1. Adopt the denial resolution
- 2. Approve the revised submittal, and adopt the attached draft approval resolution.
- 3. Continue the hearing to give the applicant further opportunity to revise the plans.

For further background and analyses please refer to the February 20, staff report.

CONCUR:


 Ken Robertson
 Senior Planner


 Sol Blumenfeld, Director
 Community Development Department

Attachments

- 1. Proposed Denial Resolution
- 2. Draft Approval Resolution

2/20/07 Staff Report; Traffic and Parking Study; Project Plans and applicant exhibits – separate attachment

P.C. RESOLUTION 07-7

1
2 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA**
3 **BEACH, CALIFORNIA, TO DENY A PRECISE DEVELOPMENT PLAN TO CONSTRUCT**
4 **A NEW 9,500 SQUARE FOOT THREE-STORY COMMERCIAL OFFICE BUILDING**
5 **WITH BASEMENT PARKING; A CONDITIONAL USE PERMIT FOR A COMMERCIAL**
6 **CONDOMINIUM AND VESTING TENTATIVE TRACT MAP NO. 67748 TO DIVIDE**
7 **THE BUILDING INTO 21 CONDOMINIUM UNITS; AND, A PARKING PLAN TO PAY**
8 **PARKING IN-LIEU FEES TO COMPENSATE FOR PROVIDING LESS THAN**
9 **REQUIRED PARKING ON SITE, LOCATED ON PROPERTY AT 906 AND 910**
10 **HERMOSA AVENUE AND LEGALLY DESCRIBED AS LOTS 25, AND 26, TRACT #1564**

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

12 Section 1. An application was filed by Hermosa Seaside Development Corporation owner of property at 906 and 910 Hermosa Avenue seeking approval of a Precise Development Plan, and Conditional Use Permit to construct a commercial office condominium building containing 21-units, and a Parking Plan for reduced parking requirements based on net office floor area, and to pay parking in-lieu fees to compensate for less than required parking.

13 Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on February 20, 2007, and considered testimony and evidence both written and oral. Based on the testimony and evidence received the Planning Commission makes the following factual findings:

14 1. The subject site is located on the east side of Hermosa Avenue mid block between 8th Street and 10th Street with access from Hermosa Avenue and an alley. The property is currently used for a private parking garage and a dry cleaners business.

15 2. The project involves the demolition of all existing improvements and the construction of a three story building with basement level for office uses. The building includes two levels of parking with separate access from the alley and the street. The total net floor area for office uses, excluding common areas and the common lobby areas, is proposed to be 8,893 square feet.

16 3. The building contains up to 21 separate commercial office 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

17 4. Since the project is located in the downtown district, the 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. This results in a parking requirement of 27 spaces. There are 19 spaces provided on site.

18 5. The applicant is requesting consideration of a Parking Plan, pursuant to Section 17.44.210 for a reduced parking requirement, based on the net office area, and also requesting to pay parking in-lieu fees for the deficiency to the parking requirements.

P.C. RESOLUTION 07-7

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN TO CONSTRUCT A NEW 9,500 SQUARE FOOT THREE-STORY COMMERCIAL OFFICE BUILDING WITH BASEMENT PARKING; A CONDITIONAL USE PERMIT FOR A COMMERCIAL CONDOMINIUM AND VESTING TENTATIVE TRACT MAP NO. 67748 TO DIVIDE THE BUILDING INTO 21 CONDOMINIUM UNITS; AND, A PARKING PLAN 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 906 AND 910 HERMOSA AVENUE AND LEGALLY DESCRIBED AS LOTS 25, AND 26, TRACT #1564

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

Section 1. An application was filed by Hermosa Seaside Development Corporation owner of property at 906 and 910 Hermosa Avenue seeking approval of a Precise Development Plan, and Conditional Use Permit to construct a commercial office condominium building containing 21-units, and a Parking Plan for reduced parking requirements based on net office floor area, 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 March 20, 2007, 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 east side of Hermosa Avenue mid block between 8th Street and 10th Street with access from Hermosa Avenue and an alley. The property is currently used for a private parking garage and a dry cleaners business.

2. The project involves the demolition of all existing improvements and the construction of a three story building with basement level for office uses. The building includes two levels of parking with separate access from the alley and the street. The total net floor area for office uses, excluding common areas and the common lobby areas, is proposed to be 8,781 square feet.

3. The building contains up to 21 separate commercial office 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 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. This results in a parking requirement of 26 spaces. There are 19 spaces provided on site.

1 5. The applicant is requesting consideration of a Parking Plan, pursuant to Section
2 17.44.210 for a reduced parking requirement, based on the net office area, and also requesting to
3 pay parking in-lieu fees for the deficiency to the parking requirements.

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

7 1. The project is consistent with applicable general and specific plans and is in compliance
8 with the use and development requirements of the Zoning Ordinance;

9 2. The site is zoned C-2 and is physically suitable for the type and density of proposed
10 development and the project and the proposed use complies with the development standards
11 contained therein;

12 3. The subdivision or types of improvements are not likely to cause serious public health
13 problems;

14 4. The subdivision or type of improvements will not conflict with easements, acquired by
15 the public at large, for access through or use of property within the proposed subdivision;

16 5. Design of the proposed subdivision is compatible and consistent with applicable elements
17 of the City's General Plan, and is compatible with the immediate environment;

18 6. The project, as conditioned, will conform to all zoning and condominium laws and
19 criteria and will be compatible with neighboring residential properties;

20 7. Pursuant to Section 17.44.210 of the Zoning Ordinance allows a reduction in parking
21 spaces required based on factors including unique features of the proposed use, and in this case is
22 reasonable to consider the parking demand based on net floor area used for office purposes since
23 common lobby areas do not contribute to parking demand.

24 8. The applicant will compensate for the parking deficiency of 7 spaces, by paying a
25 parking in-lieu fee, pursuant to Section 17.44.040

26 9. The general criteria of Hermosa Beach Municipal Code Section 17.58.030 for granting
27 or conditionally granting a Precise Development Plan have been considered. In making this
28 finding, the Planning Commission has determined that:

29 a. The proximity of the project to existing commercial and residential uses in the
downtown area will not result in negative effects with incorporation of the conditions
below.

 b. The project is designed to minimize impact on ocean views from residential areas, as
the building will be constructed in compliance with the 30-foot height limit of the C-
2 zone.

- 1 c. The amount of proposed off-street parking is sufficient for actual need and consistent
2 with the parking requirements for the downtown district.
- 3 d. The uses proposed are compatible with each other and with the area.
- 4 e. The capacity and safety of the streets serving the area is adequate for the traffic
5 volume estimated to be generated by the project as shown by the traffic impact
6 analysis prepared by Linscott, Law and Greenspan, which demonstrates that traffic
7 generation will not significantly increase as compared to the existing uses on the site,
8 and the increase will not result in significant impacts on nearby intersections.
- 9 f. The proposed exterior signs and decor are sufficiently compatible with existing
10 establishments in the area with incorporation of the conditions below.
- 11 g. Building and driveway orientation is appropriate to minimize noise and traffic
12 impacts on nearby residential areas.
- 13 h. The project will not result in adverse noise, odor, dust or vibration environmental
14 impacts.
- 15 i. The proposed use will not result in an adverse impact on the City's infrastructure
16 and/or services.

17 10. The criteria of Hermosa Beach Municipal Code Section 17.58.030(C) for denial of a
18 Precise Development Plan are not applicable. In making this finding, the Planning Commission
19 has determined that:

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

24 11. The requirements of Hermosa Beach Municipal Code Section 17.44.040 for granting
25 a Parking Plan for the payment of in-lieu fees for a portion of the required parking, and the policies
26 contained in the Local Coastal Plan, have been considered and are satisfied by the proposal. In
27 making this finding, the Planning Commission has determined that:

- 28 a. 70% of the required parking is provided on site, to exceed the minimum 25%
29 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.

2. 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 provided 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.

Section 5. Based on the foregoing, the Planning Commission hereby approves the subject Precise Development Plan, Conditional Use Permit, Vesting Tentative Tract Map No. 68380 and Parking Plan subject to the following **Conditions of Approval**:

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 February 20, 2007, incorporating all revisions as required by the conditions below. Any major modification 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 east of the public sidewalk to ensure motorists stop prior to the sidewalk before exiting the site
 - b. 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.
 - c. Decorative paving surfaces for the pedestrian entry, and entries into the parking areas shall be provided.
 - d. 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 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 not provided on site, as set forth in Section 17.44.040(E) of the Zoning Ordinance, at the amount of \$28,900 per required space for a total of \$202,300 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.

- 1 8. A detailed comprehensive sign plan shall be submitted for review and approval by the
2 Community Development Director incorporating specifications for all individual tenant
3 or owner signs that shall be consistent with that plan.
- 4 9. The uses of the building shall be as shown on the plan for exclusively general office use,
5 and shall not include any other uses subject to greater parking requirements. The
6 general office use does not include stair corridors, common lobby, common locker
7 rooms or storage. General office use shall not include medical clinics, or retail
8 businesses or services. Any material change in the use shall be reviewed and approved
9 by the Planning Commission.
- 10 10. A covenant shall be incorporated into the Covenants, Codes and Restrictions for the
11 condominiums and recorded with the property, and with State Department of Real
12 Estate if necessary, stipulating that storage, lockers, lobby and other common areas
13 cannot be converted to condominium office space.
- 14 11. Outdoor seating and use of the outdoor courtyard shall be limited to between 7:00 A.M.
15 and 10:00 P.M. and no speakers, or televisions are allowed in the outdoor seating and
16 courtyard areas.
- 17 12. Deliveries shall be permitted only on Hermosa Avenue and shall be scheduled in a
18 staggered manner, and limited to between the hours of 9:00 A.M. and 5:00 P.M.
- 19 13. The lots that make up the project site shall be merged.
- 20 14. Final verification of compliance with the height limit requires submittal of revised roof
21 plan with property corner elevations and finished roof heights, and maximum heights
22 identified at the critical points.
- 23 15. A detailed drainage and (SUSMP) Standard Urban Stormwater Mitigation Plan is
24 required for approval by the Public Works Department, prior to the issuance of
25 building permits and implemented on site, demonstrating best management practices
26 for stormwater pollution control, and for sediment control and erosion control during
27 construction.
- 28 16. The project shall meet all requirements of the Condominium Ordinance.
- 29 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.
- c. 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.

- 1 17. The applicant is responsible for all off-site right-of-way construction required by the
2 Public Works Department, or alternatively, may deposit funds in amount to cover the
3 cost for future right-of-way construction for the Pier Avenue frontage.
- 4 18. Any existing or proposed encroachments in the public right-of-way, must comply with
5 or be corrected as necessary to meet the requirements of Chapter 12.16 of the
6 Municipal Code, including the requirement to obtain an encroachment permit from the
7 Public Works Department.
- 8 19. The applicant shall submit all required plans and reports to comply with the City's
9 construction debris recycling program including manifests from both the recycler and
10 County landfill.
- 11 20. The applicant shall work with staff to incorporate green building standards in the
12 building construction, such as energy efficient glazing and heating and ventilation
13 systems, tankless water heaters, and cool roofs
- 14 21. The project shall comply with the requirements of the Fire Department.
- 15 22. Final building plans/construction drawings including site, elevation, floor plan,
16 sections, details, signage, landscaping and irrigation, submitted for building permit
17 issuance shall be reviewed for consistency with the plans approved by the Planning
18 Commission and the conditions of this resolution, and approved by the Community
19 Development Director prior to the issuance of any Building Permit.
- 20 23. All roof equipment shall be located and designed to be screened from public view and
21 any portion that exceeds the height limit shall not cover more than 5% of the roof area.
- 22 24. The project and operation of the business shall comply with all applicable requirements
23 of the Municipal Code.
- 24 25. The Precise Development Plan and Parking Plan shall be recorded, and proof of
25 recordation shall be submitted to the Community Development Department.
- 26 26. 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 27. 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.

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

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

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

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

19 VOTE: AYES:
20 NOES:
21 ABSTAIN:
22 ABSENT:

23 CERTIFICATION

24 I hereby certify the foregoing Resolution P.C. No. 07-7 is a true and complete record of the
25 action taken by the Planning Commission of the City of Hermosa Beach, California at their
26 regular meeting of March 20, 2007.

27 _____
28 Kent Allen, Chairman

29 _____
Sol Blumenfeld, Secretary

30 March 20, 2007

31 Date

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