

CONTINUED AFTER RECONSIDERATION FROM THE MEETINGS OF FEBRUARY AND MARCH

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 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 approve the project, as revised, by adopting the attached resolution.

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. At the March 20th meeting the Commission voted to reconsider their decision, and continued the matter to the April meeting to allow the applicant to revise the project to address their concerns, with a full re-noticing of the public hearing.

The applicant has submitted a revised plan to address the Commission's concerns about the driveway on Hermosa Avenue. The parking garage that was accessed from Hermosa Avenue has been removed, increasing the parking deficiency, and increasing the amount of in-lieu parking spaces.

ZONING:	C-2 Downtown Commercial
GENERAL PLAN:	General Commercial
LOT SIZE:	5,863 Sq. Ft.
PROPOSED FLOOR AREA:	10,248 Sq. Ft.*(gross floor area)
OFFICE CONDOMINIUM UNITS / SIZE:	21 offices (9,412 square feet net floor area)
FLOOR AREA RATIO:	1.6
PARKING AREAS:	2,959 Square Feet (10 spaces)
PARKING PROVIDED ON SITE:	10 Spaces
REQUIRED PARKING:	28 Spaces (based on net office area**)

ENVIRONMENTAL DETERMINATION:

Mitigated Negative Declaration (recommended)

*Gross Floor area for purposes of determining parking requirements, as defined by Chapter 17.44, excludes common elevators, stairs and corridors and outdoor seating deck areas, but includes lobbies.

**Based on net office floor area of 8,893 square feet.

Analysis

The applicant's revised plan basically eliminates the first level garage that was to be accessed from Hermosa Avenue causing a reduction in 9 parking spaces. This revision should address the primary concern expressed by the Planning Commission, since the building will now contain office space along the complete frontage of the sidewalk rather than a curb cut. Because of this change, there is a slight increase in the net office square footage, which results in a total parking requirement of 28 spaces, and the deficiency subject to the in-lieu fee is substantially increased to eighteen (18) spaces.

Pursuant to Section 17.44.040 of the Municipal Code, and the City's Certified Coastal Land Use Plan, and since the project has more than a 1:1 floor area ratio; the applicant must provide at least 25% or required parking on site, and pay in-lieu fees for the balance of the required spaces. The applicant is now proposing a combination of on-site parking and payment of fees in-lieu of parking with 36% of required parking on site. The applicant proposes to pay for the deficiency of 18 spaces relative to the parking requirement which requires the payment of \$28,900 for each required parking space not provided on-site, or a total payment of \$520,200¹. In-lieu fees are deposited in the City's parking improvement fund, which is set aside for the City to construct public parking in the future when the number of in-lieu parking spaces reaches 100².

In accepting in-lieu parking, the Commission must find that the parking deficiency will not unduly impact area parking. Recently the Commission approved the use of in-lieu parking for proposed office and retail building at 1429 Hermosa Avenue, where it was demonstrated that peak use of the building coincided with times of the week where substantial public parking was available on the street and in the parking structure, and also that there was otherwise enough parking on site to satisfy demand during peak demand periods. The subject project is comprised of 100% office uses, so the use of the building should also coincide with daytime periods throughout the week when public parking is available. Coastal Commission approval is pending for the 1429 Hermosa Avenue project and is also required for this application.

In considering the revision, the Commission should consider whether the increased parking deficiency is preferable to the previous plan which provided more parking on site, and whether the revised plan successfully maximizes on-site parking with the alley access design. While the parking analysis submitted with the original project did not address this increased deficiency, the fairly low intensive office use, which generates low parking demand with peaks during the weekday, should not cause a significant impact on street parking. The nearest available long-term parking (Parking Lot A) typically has parking availability on weekdays, and is located only two short blocks to the north, and further north there is more public parking in the parking structure.

The Commission should also 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 that provides substantially more parking (19 spaces instead of 10) in their original submittal. Also, the applicant has provided an option where an access garage door

can be used to conceal the parking to make it look like the rest of the building facade. 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 with or without a 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. This 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 latest 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 either reduced in scale or other changes, staff would suggest that rather than deny the project, that the applicant be given the opportunity to revise the project accordingly.

The Commission has the following alternatives:


1. Approve the revised submittal, and adopt the attached draft approval resolution.
2. Continue the hearing to give the applicant further opportunity to revise the plans.
3. Approve the original submittal (with or without a roll-up garage door), and adopt the resolution prepared for the February 20th meeting

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

CONCUR:



Ken Robertsen
Senior Planner



Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Updated tabulation of committed in-lieu parking spaces

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

¹ The City Council recently set the in-lieu parking fee at \$28,900 per required space.

²The text from the Coastal Land Use Plan, as amended in 2004, reads as follows “Program: In order to mitigate the impacts of increased parking demand that is created by new development, but is not compensated for by requiring additional parking spaces, City Council shall provide an in-lieu fund transfer or an in-lieu fee as described in Section 17.44.040 of the Zoning Ordinance and Ordinance No. 80-643 and Resolutions Nos. 80-4307 and 99-6001 to an improvement fund earmarked specifically for creating parking, in an amount determined to be sufficient to off-set the increase in required parking spaces caused by the expansion, intensification, or new construction not provided on site. If the City Council determines that the private party is responsible for the in-lieu fee, the private party shall pay said fee”; “Program: The City shall not accept a fee in lieu of providing on site parking unless the Community Development Director assures that sufficient parking exists to accommodate the parking demand of new development without causing a significant adverse impact on parking that is available to the beach going public. The improvement fund to mitigate increased parking demand shall be geared to a threshold limit of increased parking demand. The threshold limit was established at 100 parking spaces in 1982 and has not yet been reached. The City shall continue tallying the number of spaces (of that 100) that have been allocated based on receipt of in-lieu fees, and the City shall construct new parking upon reaching that threshold limit or the City shall not accept any fees in-lieu of parking beyond that threshold limit. The City shall provide an annual accounting of the in-lieu parking program.” The City has long range plans to construct additional parking in the Civic Center as part of a proposed master plan, however, this project has not commenced.

P.C. RESOLUTION 07-7

1
2 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA**
3 **BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN TO**
4 **CONSTRUCT A NEW THREE-STORY COMMERCIAL OFFICE BUILDING**
5 **CONTAINING APPROXIMATELY 10,000 SQUARE FEET ; A CONDITIONAL USE**
6 **PERMIT FOR A COMMERCIAL CONDOMINIUM AND VESTING TENTATIVE**
7 **TRACT MAP NO. 67748 TO DIVIDE THE BUILDING INTO 21 CONDOMINIUM**
8 **UNITS; AND, A PARKING PLAN TO PAY PARKING IN-LIEU FEES TO**
9 **COMPENSATE FOR PROVIDING LESS THAN REQUIRED PARKING ON SITE,**
10 **AND A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL**
11 **IMPACTS, LOCATED ON PROPERTY AT 906 AND 910 HERMOSA AVENUE AND**
12 **LEGALLY DESCRIBED AS LOTS 25, AND 26, TRACT #1564**

13
14 The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

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

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

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

27 2. The project involves the demolition of all existing improvements and the construction
28 of a three story building. The building includes one level of parking with access from the alley
29 and the street. The total net floor area for office uses, excluding common areas and the common
lobby areas, is proposed to be 9,412 square feet.

30 3. The building contains up to 21 separate commercial office units intended to be sold
31 separately as condominium units. Commercial condominiums require a Conditional Use Permit
32 pursuant to Section 17.22.100 of the Zoning Ordinance and approval of a tentative tract map

33 4. Since the project is located in the downtown district, the office uses are subject to the
34 parking requirements of Section 17.44.040 which require 3 parking spaces per 1,000 square feet

1 of floor area. This results in a parking requirement of 28 spaces. There are 10 spaces provided
2 on site.

3 5. The applicant is requesting consideration of a Parking Plan, pursuant to Section
4 17.44.210 for a reduced parking requirement, based on the net office area, and also requesting to
5 pay parking in-lieu fees for the deficiency to the parking requirements.

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

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

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

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

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

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

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

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

26 8. The applicant will compensate for the parking deficiency of 18 spaces, by paying a
27 parking in-lieu fee, pursuant to Section 17.44.040

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

- 1 a. The proximity of the project to existing commercial and residential uses in the
2 downtown area will not result in negative effects with incorporation of the conditions
3 below.
- 4 b. The project is designed to minimize impact on ocean views from residential areas, as
5 the building will be constructed in compliance with the 30-foot height limit of the C-
6 2 zone.
- 7 c. The amount of proposed off-street parking is sufficient for actual need and consistent
8 with the parking requirements for the downtown district.
- 9 d. The uses proposed are compatible with each other and with the area.
- 10 e. The capacity and safety of the streets serving the area is adequate for the traffic
11 volume estimated to be generated by the project as shown by the traffic impact
12 analysis prepared by Linscott, Law and Greenspan, which demonstrates that traffic
13 generation will not significantly increase as compared to the existing uses on the site,
14 and the increase will not result in significant impacts on nearby intersections.
- 15 f. The proposed exterior signs and decor are sufficiently compatible with existing
16 establishments in the area with incorporation of the conditions below.
- 17 g. Building and driveway orientation is appropriate to minimize noise and traffic
18 impacts on nearby residential areas.
- 19 h. The project will not result in adverse noise, odor, dust or vibration environmental
20 impacts.
- 21 i. The proposed use will not result in an adverse impact on the City's infrastructure
22 and/or services.

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

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

11. 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

1 contained in the Local Coastal Plan, have been considered and are satisfied by the proposal. In
2 making this finding, the Planning Commission has determined that:

- 3 a. 36% of the required parking is provided on site, to exceed the minimum 25%
4 required for buildings with a greater than 1:1 floor area ratio pursuant to Section
5 17.44.040(E)
- 6 b. Sufficient parking exists and is being provided on-site in conjunction with the project
7 to accommodate the parking demand of the project without causing a significant
8 adverse impact on parking that is available to the beach going public.

9 12. The City Council, at its meeting of August 8, 2006, set the parking in-lieu fee of at
10 \$28,900 per required parking space, payable in lump sum prior to issuance of Certificate of
11 Occupancy.

12 Section 4. Environmental Review.

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

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

- 30 a. Parking in-lieu fees shall be paid to compensate for the parking deficiency.
- 31 b. Parking shall be proved for customers and employees free of charge and on a first
32 come first serve basis (i.e. no assigned parking) to maximize the efficient use of the
33 on-site parking facilities.

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

- 4 **1. The development and continued use of the property shall be substantially consistent**
5 **with submitted plans as reviewed by the Planning Commission at their meeting of April**
6 **20, 2007, incorporating all revisions as required by the conditions below. Any major**
7 **modification shall be subject to review and approval of the Planning Commission.**
8 **Minor modifications may be approved by the Community Development Director but**
9 **shall not be final until confirmed by the Planning Commission as a consent calendar**
10 **item on the Commission agenda.**

- 11 **2. Final plans for building permit issuance shall be revised to incorporate the following.**
 - 12 **a. Install appropriate pavement marking (i.e. stop bar with STOP legend) on the**
13 **project drive aisle just east of the public sidewalk to ensure motorists stop prior to**
14 **the sidewalk before exiting the site**
 - 15 **b. Provision of street trees and tree grates as approved by the Public Works**
16 **Department in coordination with plans to improve Hermosa Avenue, or**
17 **alternatively the owner shall deposit the necessary funds for the improvements to**
18 **be constructed at a later date.**
 - 19 **c. Decorative paving surfaces for the pedestrian entry, and entries into the parking**
20 **areas shall be provided.**
 - 21 **d. On-street parking and parking meter locations shall be reconfigured to maximize**
22 **on-street parking.**

- 23 **3. A revised detailed landscape plan for on-site, and off-site landscaping, consistent with**
24 **the conceptual plan shall be submitted for review and approval by the Community**
25 **Development Director prior to issuance of building permits incorporating the revisions**
26 **below:**
 - 27 **a. Decorative surfaces shall be provided at driveway entry areas and at the**
28 **pedestrian entry areas consistent with the submitted plan.**
 - 29 **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
 eighteen (18) 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
 \$520,200 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.

- 1 5. All parking shall be available for free to customers and employees and no parking
2 spaces shall be assigned for exclusive use by any owner, occupant, or tenant.
- 3 6. A parking management and operations plan shall be submitted for review and
4 approval by the Planning Commission, regarding parking operations, efficiency,
5 signage, and security and control of access, and setting forth a program to ensure free
6 parking for the employees/customers of the building through the use of validation, or
7 passes, or other method, and said plan shall include how the Parking Plan will be
8 enforced including the signage to be posted in the parking facilities. The plan shall be
9 implemented when the building is occupied. The Commission shall review the parking
10 management plan and the operation and efficiency of parking facility 6 months after
11 occupancy of the building.
- 12 7. Architectural treatment of the building and all finishes shall be as shown on building
13 elevations and site and floor plans. Any modification shall require approval by the
14 Community Development Director.
- 15 8. A detailed comprehensive sign plan shall be submitted for review and approval by the
16 Community Development Director incorporating specifications for all individual tenant
17 or owner signs that shall be consistent with that plan.
- 18 9. The uses of the building shall be as shown on the plan for exclusively general office use,
19 and shall not include any other uses subject to greater parking requirements. The
20 general office use does not include stair corridors, common lobby, common locker
21 rooms or storage. General office use shall not include medical clinics, or retail
22 businesses or services. Any material change in the use shall be reviewed and approved
23 by the Planning Commission.
- 24 10. A covenant shall be incorporated into the Covenants, Codes and Restrictions for the
25 condominiums and recorded with the property, and with State Department of Real
26 Estate if necessary, stipulating that storage, lockers, lobby and other common areas
27 cannot be converted to condominium office space.
- 28 11. Outdoor seating and use of the outdoor courtyard shall be limited to between 7:00 A.M.
29 and 10:00 P.M. and no speakers, or televisions are allowed in the outdoor seating and
courtyard areas.
12. Deliveries shall be permitted only 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.
13. The lots that make up the project site shall be merged.

- 1 14. Final verification of compliance with the height limit requires submittal of revised roof
2 plan with property corner elevations and finished roof heights, and maximum heights
3 identified at the critical points.
- 4 15. A detailed drainage and (SUSMP) Standard Urban Stormwater Mitigation Plan is
5 required for approval by the Public Works Department, prior to the issuance of
6 building permits and implemented on site, demonstrating best management practices
7 for stormwater pollution control, and for sediment control and erosion control during
8 construction.
- 9 16. The project shall meet all requirements of the Condominium Ordinance.
- 10 a. Covenants, Conditions, and Restrictions in compliance with the Condominium
11 Ordinance Section 17.22.120 shall be submitted to the Community Development
12 Department for review and approval prior to the issuance of building permits.
- 13 b. The Covenants, Conditions and Restrictions shall include all conditions of
14 approval as contained herein, and shall also strictly prohibit any residential use
15 and any use of the condominium units for overnight sleeping purposes.
- 16 c. Proof of recordation of approved CC & R's shall be submitted to the Community
17 Development Director thirty (30) days after recordation of the Final Map.
- 18 17. The applicant is responsible for all off-site right-of-way construction required by the
19 Public Works Department, or alternatively, may deposit funds in amount to cover the
20 cost for future right-of-way construction for the Pier Avenue frontage.
- 21 18. Any existing or proposed encroachments in the public right-of-way, must comply with
22 or be corrected as necessary to meet the requirements of Chapter 12.16 of the
23 Municipal Code, including the requirement to obtain an encroachment permit from the
24 Public Works Department.
- 25 19. The applicant shall submit all required plans and reports to comply with the City's
26 construction debris recycling program including manifests from both the recycler and
27 County landfill.
- 28 20. The applicant shall work with staff to incorporate green building standards in the
29 building construction, such as energy efficient glazing and heating and ventilation
systems, tankless water heaters, and cool roofs
21. The project shall comply with the requirements of the Fire Department.
22. 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

1 **Commission and the conditions of this resolution, and approved by the Community**
2 **Development Director prior to the issuance of any Building Permit.**

3 **23. All roof equipment shall be located and designed to be screened from public view and**
4 **any portion that exceeds the height limit shall not cover more than 5% of the roof area.**

5 **24. The project and operation of the business shall comply with all applicable requirements**
6 **of the Municipal Code.**

7 **25. The Precise Development Plan and Parking Plan shall be recorded, and proof of**
8 **recordation shall be submitted to the Community Development Department.**

9 **26. Each of the above Conditions of Approval is separately enforced, and if one of the**
10 **Conditions of Approval is found to be invalid by a court of law, all the other conditions**
11 **shall remain valid and enforceable.**

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

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

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

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
Community Development Department their affidavits stating that they are aware of, and agree to
accept, all of the conditions of this grant.

1 Section 7. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to
2 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.

3 VOTE: AYES:
4 NOES:
5 ABSTAIN:
ABSENT:

6 CERTIFICATION

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

9
10 _____
Kent Allen, Chairman

Sol Blumenfeld, Secretary

11 April 20, 2007

12 Date

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Parking In-Lieu Fee Program - Number of Parking Spaces Accepted

Project / Location	Number of Parking Spaces In-Lieu	Status
Hennessey's Tavern / 8 Pier Avenue	2	Funds transferred
The Mix / 117 Pier Avenue Currently "Hibachi's" Restaurant	5	Funds transferred
Pier Plaza Outdoor Dining / 13 Businesses, Lower Pier Avenue	13	Funds transferred
City Retail Building / at North Pier Parking Structure 1301 Hermosa Ave	20	Funds transferred
Fat Face Fenner's Fishack / 51 Pier Avenue	5	Funds Collected
Office Retail Condominium / 1429 Hermosa Avenue	7	Coastal Commission Approval and Building Permit pending
Sharkeez Expansion / 52 Pier Avenue	20	Coastal Commission Approval and Building Permit pending
Total Accepted	72	
<i>Net Available</i>	<i>28</i>	

Projects with applications submitted

Hermosa Seaside Office Condominiums / 906 Hermosa Ave	8 or 18 with revision	Planning Commission Decision Pending
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