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RESOLUTION 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO SUSTAIN THE PLANNING COMMISSION APPROVAL OF A PRECISE DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT AND VESTING TENTATIVE TRACT MAP NO. 061290 FOR AN 18,648 SQUARE FOOT COMMERCIAL BUILDING CONTAINING 54 COMMERCIAL CONDOMINIUM UNITS AND AN ENVIRONMENTAL NEGATIVE DECLARATION AT 200 PIER AVENUE LEGALLY DESCRIBED AS NW 10-FEET OF LOT 14, AND ALL OF LOTS 15, 16, 17 & 18, BLOCK 48, FIRST ADDITION TO HERMOSA BEACH

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

Section 1. An application was filed by Nick Shaar owner of property at 200 Pier Avenue seeking approval of a Precise Development Plan to construct an 18,648 Square foot commercial building complex and parking structure, a Conditional Use Permit and vesting tentative tract map for 54 commercial condominium units.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application for on September 21, 2004, and considered testimony and evidence. Based on the testimony and evidence received the Planning Commission approved the project subject to conditions as set for the in P.C. Resolution 04-34.

Section 3. The City Council conducted a duly noticed public hearing to reconsider the decision of the Planning Commission to approve the Precise Development Plan on October 26, 2004, and heard testimony and evidence, both written and oral, that was presented to and considered by the City Council.

Section 4. Based on the record of decision of the Planning Commission and the evidence received at the public hearing, the City Council makes the following factual findings pertaining to the application for a Precise Development Plan, Conditional Use Permit, and Tentative Tract Map:

1. The applicant is proposing to construct a commercial building for a office and commercial condominiums containing 18,648 square feet with two levels of parking, which requires a Precise Development Plan pursuant to Chapter 17.58 of the Zoning Ordinance.

2. The buildings on the site contain 54 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.

3. The subject site is located on the south side of Pier Avenue at its intersection with Manhattan Avenue in the downtown district. The property currently contains a 12,500 square foot commercial building. The proposed project involves the demolition of all existing structures and the construction of a new commercial building and two levels of parking.

1 4. Since the project is located in the downtown district, it is subject to the parking
2 requirements of Section 17.44.040 which require 3 parking spaces per 1,000 square feet of floor
3 area.

4 Section 5. Based on the foregoing factual findings and consistent with the findings of the
5 Planning Commission the City Council makes the following findings pertaining to the subject
6 application:

7 1. The project and map are consistent with applicable general and specific plans and is in
8 compliance 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 proposed use comply with the development standards contained
11 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. The project provides all required off-street parking.

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

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

27 b. The project will not have a negative impact on ocean views from residential areas,
28 as the building height will be lower than the existing building.

29 c. The amount of proposed off-street parking is sufficient for actual need and
consistent with the parking requirements for the Downtown District. Further, the
closure of an existing curb cut will result in up to 5 additional on-street parking
spaces..

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

- e. The capacity and safety of the streets serving the area is adequate for the traffic volume estimated to be generated by the project as shown by the traffic impact analysis prepared by Linscott, Law and Greenspan, which demonstrates that traffic generation will not significantly increase as compared to the existing uses on the site, and the increase will not result in significant impacts on nearby intersections.
- f. The proposed exterior signs and decor are sufficiently compatible with existing establishments in the area with incorporation of the conditions below.
- g. Building and driveway orientation is appropriate to minimize noise and traffic impacts on nearby residential areas.
- h. The project will not result in adverse noise, odor, dust or vibration environmental impacts.
- i. The proposed use will not result in an adverse impact on the City's infrastructure and/or services.

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

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

Section 6. 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. City staff thereafter prepared a 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 Negative Declaration are attached hereto and incorporated herein by reference.

2. The City Council has reviewed the Negative Declaration and all comments received regarding the Negative Declaration. Based on the whole record, the City Council finds that: (i) the 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. Based on these findings, the City Council, in concurrence with the Planning Commission, hereby adopts the Negative Declaration prepared for the proposed project.

1 Section 7. Based on the foregoing, the City Council sustains the decision of the Planning
2 Commission and hereby approves the subject Precise Development Plan, Conditional Use Permit
3 and Vesting Tentative Tract Map 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**
6 **September 21, 2004, incorporating all revisions as required by the conditions below.**
7 **Any major modification, including changes in the layout of the condominium units,**
8 **shall be subject to review and approval of the Planning Commission. Minor**
9 **modifications may be approved by the Community Development Director but shall**
10 **not be final until confirmed by the Planning Commission as a consent calendar item**
11 **on the Commission agenda.**

- 12 **2. Final plans for building permit issuances shall be revised to incorporate the**
13 **following.**
 - 14 **a. A five-foot setback, clear from ground to sky shall be provided along the south**
15 **property line.**
 - 16 **b. The plan shall clearly depict parking lot lighting, and all light fixtures shall be**
17 **located such that property line walls or building walls shield the light source**
18 **from residences to the southwest, with light directed downward to minimize**
19 **off-site glare in all directions.**
 - 20 **c. A decorative block wall shall be provided along the southerly property line.**

- 21 **3. A revised detailed landscape plan for on-site, and off-site landscaping, consistent**
22 **with the conceptual plan shall be submitted for review and approval by the**
23 **Community Development Director prior to issuance of building permits**
24 **incorporating the revisions below:**
 - 25 **a. Tree planting and accent landscaping shall be provided in the pedestrian entry**
26 **court along Pier Avenue**
 - 27 **b. A minimum of 7 street trees with tree grates shall be planted along the**
28 **sidewalk on the Pier Avenue frontage in accordance in accordance with**
29 **requirements of the Public Works Department, or, alternatively, a deposit of**
funds in an amount to cover the cost of such planting.
 - c. A minimum of 4 street trees with tree grates shall be planted along the**
sidewalk along the Manhattan Avenue frontage as approved by the Puublic
Works Department.
 - d. Decorative paving surfaces shall be provided at driveway entry areas and at**
the pedestrian entry court on Pier Avenue.
 - e. Bicycle parking shall be provided in a convenient location, to the satisfaction of**
the Community Development Director.

- 4. All parking shall be shared amongst the occupants and patrons of the buildings on**
site, and owned in common, which shall clearly be set forth in project CC & R's,
and not parking spaces shall be assigned for exclusive use by any owner, occupant,
or tenant. A limited number of spaces may signed for short term parking for
delivery couriers and short-term visitors.

- 1 **5. A parking management plan shall be submitted for review and approval by the**
2 **Community Development Director, setting forth a program to ensure priority**
3 **parking for the occupants/owners of the building through the use of identification**
4 **stickers, or passes, or other method, and said plan shall include how the parking**
5 **plan will be enforced including the signage to be posted in the parking facilities.**
- 6 **6. Architectural treatment of the building shall be as shown on building elevations and**
7 **site and floor plans. Any modification shall require approval by the Community**
8 **Development Director.**
- 9 **7. A detailed comprehensive sign plan shall be submitted for review and approval by**
10 **the Community Development Director incorporating the following revisions:**
 - 11 **a. One free-standing sign is permitted, and shall be limited to a monument sign**
12 **with a maximum height of ten (10) feet.**
 - 13 **b. A comprehensive sign program shall be submitted for review and all**
14 **individual tenant or owner signs shall be consistent with that plan.**
- 15 **8. The use of the building and the individual condominium units shall be limited to**
16 **office and retail commercial uses allowed in the C-2 zone, and shall not include**
17 **medical or dental clinics, or any other uses subject to greater parking requirements.**
- 18 **9. The location and installation of wireless communication facilities are subject to**
19 **submittal and approval of separate Conditional Use Permit, pursuant to Section**
20 **17.46.240 of the Zoning Ordinance.**
- 21 **10. The project shall meet all requirements of the Condominium Ordinance.**
 - 22 **a. Covenants, Conditions, and Restrictions in compliance with the Condominium**
23 **Ordinance Section 17.22.120 shall be submitted to the Community Development**
24 **Department for review and approval prior to the issuance of building permits.**
 - 25 **b. Proof of recordation of approved CC & R's shall be submitted to the**
26 **Community Development Director thirty (30) days after recordation of the**
27 **Final Map.**
- 28 **11. A detailed drainage and (SUSMP) Standard Urban Stormwater Mitigation Plan is**
29 **required for approval by the Public Works Department, prior to the issuance of**
30 **building permits and implemented on site, demonstrating best management**
31 **practices for stormwater pollution control, and for sediment control and erosion**
32 **control during construction.**
- 33 **12. The applicant is responsible for all off-site right-of-way construction required by**
34 **the Public Works Department, or alternatively, may deposit funds in amount to**
35 **cover the cost for future right-of-way construction for the Pier Avenue frontage.**
- 36 **13. The project shall comply with the requirements of the Fire Department.**

1 **14. Final building plans/construction drawings including site, elevation, floor plan,**
2 **sections, details, signage, landscaping and irrigation, submitted for building permit**
3 **issuance shall be reviewed for consistency with the plans approved by the Planning**
4 **Commission and the conditions of this resolution, and approved by the Community**
5 **Development Director prior to the issuance of any Building Permit.**

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

9 **16. The project and operation of the business shall comply with all applicable**
10 **requirements of the Municipal Code.**

11 **17. The Conditional Use Permit and Precise Development Plan shall be recorded, and**
12 **proof of recordation shall be submitted to the Community Development**
13 **Department.**

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

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

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

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

37 Section 8. This grant shall not be effective for any purposes until the permittee and the
38 owners of the property involved have filed at the office of the Planning Division of the
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Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.

Section 9. 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.

PASSED, APPROVED, and ADOPTED this day of , 2004,

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY