

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: November 19, 2008
 49th Day: January 7, 2009
 180th Day: May 15, 2008
 Staff: Gabriel Buhr-LB
 Staff Report: February 18, 2009
 Hearing Date: March 11-13, 2009
 Commission Action:

W4c**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-08-309**APPLICANT:** Raju and Philomina Chhabria**AGENT:** Elizabeth Srour**PROJECT LOCATION:** 205 Pier Avenue, City of Hermosa Beach (Los Angeles County)

DESCRIPTION: Demolition of an existing, vacant drive-thru dairy/convenience store and the construction of a three-story (over subterranean parking structure), 30-foot high, 6,389 square-foot mixed-use commercial development with 18 on-site parking spaces on a 5,475 square foot, C-2 zoned lot.

Lot Area	5,475 square feet
Building Coverage	4,893 square feet
Pavement Coverage	424 square feet
Landscape Coverage	158 square feet
Parking Spaces	18
Zoning	C-2
Planning Designation	General Commercial
Ht above final grade	30 feet

SUMMARY OF STAFF RECOMMENDATION:

The proposed development involves the construction of a commercial condominium office building. The major issues before the Commission relate to adequate parking, and water quality. Commission staff is recommending **APPROVAL** of the proposed project with **Five (5) Special Conditions** regarding: **1)** final parking plans; **2)** submittal of a final water quality management plan; **3)** storage of construction materials and mechanized equipment and removal of construction debris; **4)** submittal of a final landscaping plan; and **5)** additional approvals for any future development.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Hermosa Beach Land Use Plan, certified 4/21/82.
2. Amendment to City of Hermosa Beach Land Use Plan (HRM-MAJ-2-03).
3. City of Hermosa Beach Approval in Concept, 10/23/08.
4. City of Hermosa Beach Planning Commission Resolution No. 08-36.
5. Coastal Development Permit No's. 5-05-162, 5-06-341, and 5-06-478.

LIST OF EXHIBITS:

1. Location Map
2. Assessor's Parcel Map
3. Site Plan
4. Elevations
5. City of Hermosa Beach Planning Commission Resolution 08-36

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Parking Plan

A minimum of 18 parking spaces shall be provided and maintained on the site to serve the approved 6,389 square-foot mixed use commercial condominium complex. Any proposed change in the number of parking spaces or change in use shall be submitted to the Executive Director. No such change shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is legally necessary, pursuant to the requirements of the Coastal Act and the California Code of Regulations. All available parking shall be shared among and equally available to all of the patrons, employees, and other users of the buildings, and no parking spaces shall be assigned for exclusive use by any owner, occupant or tenant except for the six proposed tandem spaces.

2. Water Quality Management Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather

flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

Water Quality Goals

- Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site.
- Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- Runoff from all roofs and parking areas shall be collected and directed through a system structural BMPs of vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

Parking Lot

- The WQMP shall provide for the treatment of runoff from parking lots using appropriate structural and non-structural BMPs. At a minimum this must include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, and floatables and particulate debris.
- The applicant shall regularly sweep the parking lot at a minimum on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.
- The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used;
- The applicant shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.
- All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.
- Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
- It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

- B. The permittee shall undertake development in accordance with the final plan. Any proposed changes to the final plan shall be reported to the Executive Director. No changes to the final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

The permittee shall comply with the following construction-related requirements:

- Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity;
- No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain
- All trash and debris shall be disposed in the proper trash or recycling receptacle at the end of every construction day.
- Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- The discharge of any hazardous materials into any receiving waters shall be prohibited;
- A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines;
- All BMPs shall be maintained in a functional condition throughout the duration of the project.
- Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

4. **Landscaping Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a finalized landscaping plan prepared by an appropriately licensed professional that satisfies the following requirements:
- (1) The plan shall demonstrate that:
 - a. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. Any existing landscaping within the limits of the proposed project that doesn't meet the above requirements in this paragraph and those requirements listed in subsection b below shall be removed;
 - b. All plants employed on the site shall be drought tolerant, (low water use) plants identified by U. C. Davis and/or the Water Resources Board;
 - c. All planting will be completed within 60 days after completion of construction;
 - d. All vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan.
 - (2) The plan shall include, at a minimum, the following components:
 - a. A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features;
 - b. A schedule for installation of plants.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Future Development

This permit is only for the development described in coastal development permit No. 5-08-309. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the coastal development permit No. 5-08-309. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes in square footage of the office condominiums, conversion of common space lobbies or storage areas to office units, number of on-site parking spaces, conversion of snack shop to a restaurant or other change that would result in an increase intensity of use, and repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-08-309 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The subject site is located at 205 Pier Avenue, within the City of Hermosa Beach, Los Angeles County (Exhibit #1). This site is located on the northeast corner of the intersection of Pier Avenue and Manhattan Avenue, in the downtown district, in an area known as upper Pier Avenue, approximately ¼ mile inland from the Hermosa Beach Pier and the sandy beach. The proposed project is located within an existing urban area comprised of both commercial and residential uses.

The proposed project includes demolition of all existing improvements located within the subject site, which include an existing drive-thru dairy/convenience store with two associated surface parking spaces. The applicant proposes to construct a three-story (over basement parking structure), 30-foot high, 6,389 square-foot mixed use building with seven commercial condominium units located on the second and third floors totaling 3,549 square-feet, and a 951 square-foot snack shop on the first floor on a 5,475 square-foot lot. The ground floor would also host an office lobby and the second and third floors include restaurant facilities for the office condominiums and snack shop (Exhibit #3). The proposed parking component would include a 4,193 square foot parking structure that would provide 18 on-site parking spaces distributed between the ground floor and basement level. Access to both parking levels would be provided via Manhattan Avenue. Grading to accommodate the basement parking will consist of 2,010 cubic yards of cut.

The City has reviewed the proposed project and found it consistent with local zoning requirements, as evidenced by Planning Commission Resolution 08-36, approved August 19, 2008 (Exhibit #5). The proposed project conforms to the certified LUP 30-foot height limit for C-2 zoned, general commercial development.

B. Community Character/Visual Quality

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that **Special Condition #5** be imposed which limits the uses and development for the proposed project and requires an amendment to this permit or a new coastal development permit for any changes to the development, including, but not limited to the hours of operation, land use, or intensification of use. As conditioned, the Commission finds that the proposed development conforms with Sections 30222, 30250 and 30251 of the Coastal Act.

C. Public Access/Parking

Based on the current parking standard in the LUP which requires 4 spaces per 1,000 square feet of office or snack shop/retail space in the downtown area, the proposed development requires 18 parking spaces. This parking requirement is proposed to be accommodated by providing 18 parking spaces in the on-site parking garage located on the ground and basement levels, six of the on-site parking spaces are proposed as tandem spaces. Access to the proposed parking garage would be available from Manhattan Avenue, and would require a new curb cut that would eliminate three street parking spaces. The proposed development would also result in elimination of an existing curb cut on Pier Avenue that would result in three new street parking spaces and therefore the project as proposed would not result in a net loss of any street parking spaces.

The proposed development would potentially serve local residents from the surrounding neighborhood developments located nearby that could access the site by alternative means of transportation either as pedestrians or by bicycle. The Beach Cities Transit route #109 also provides access to the subject site.

In order not to interfere with beach parking, the Commission has imposed **Special Condition #1**, which requires the applicant to provide and maintain a minimum of 18 on-site parking spaces for the proposed development and requires an amendment to this permit for any change in the number of parking spaces, or change in use of the proposed building complex. It also requires that the parking, other than the six proposed tandem spaces, is available to all building employees and users of 205 Pier Avenue in order to ensure maximum parking efficiency during peak and non-peak occupancy periods. In other permits where the Commission has examined proposals for shared parking, such as the St. Joseph's Center in Venice Beach and several projects in Long Beach, studies supporting shared parking have shown that the total demand for spaces in the building complex can be reduced if the number of assigned parking spaces is minimized (other than required ADA parking).

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Water Quality

The proposed development would result in the discharge of storm water into the storm water conveyance system. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters in Hermosa Beach.

The proposed commercial condominium building is new development, which affords an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality. The proposed project drains a new 18 space parking area, paved walkways and landscaped areas. As such, appropriate measures must be taken to assure that adverse affects on water quality are minimized.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Due to this, the Commission has imposed **Special Condition #3**, which requires the applicant to comply with construction-related requirements related to storage of construction materials, mechanized equipment and removal of construction debris, and **Special Condition #2**, which requires the applicant to submit water quality management plan prior to issuance of the permit.

Other sources of polluted runoff could include runoff from the large amount of impervious surface in the proposed project and over-watering, which sometimes occurs from installation of landscaping with a high water demand. Plants with a high-water demand are typically not well-suited to the Mediterranean climate of southern California, and therefore often require intense fertilization and application of pesticides/herbicides as a maintenance regime, in addition to regular irrigation. Thus, this type of landscaping can add pollutants to both dry weather and stormwater runoff. Therefore, the use of drought tolerant plants or low-maintenance landscaping is a preferred alternative.

The term “drought tolerant” is equivalent to the terms “low water use” and “ultra low water use” as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 and is available for review at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>. Any plants in the landscaping plan should be drought tolerant to minimize the use of water.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (<http://www.CNPS.org/>) in their publications.

Therefore the Commission has imposed **Special Condition #4** requiring the applicant to submit a landscaping plan for the review and approval of the Executive Director. The plan requires the applicant to plant non-invasive, drought tolerant vegetation on the site. Non-invasive, drought tolerant plants are used because they require little to no watering once they are established (1-3

years), they have deep root systems that tend to stabilize the soil, and are spreading plants that tend to minimize erosion impacts of rain and water run-off.

As conditioned the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

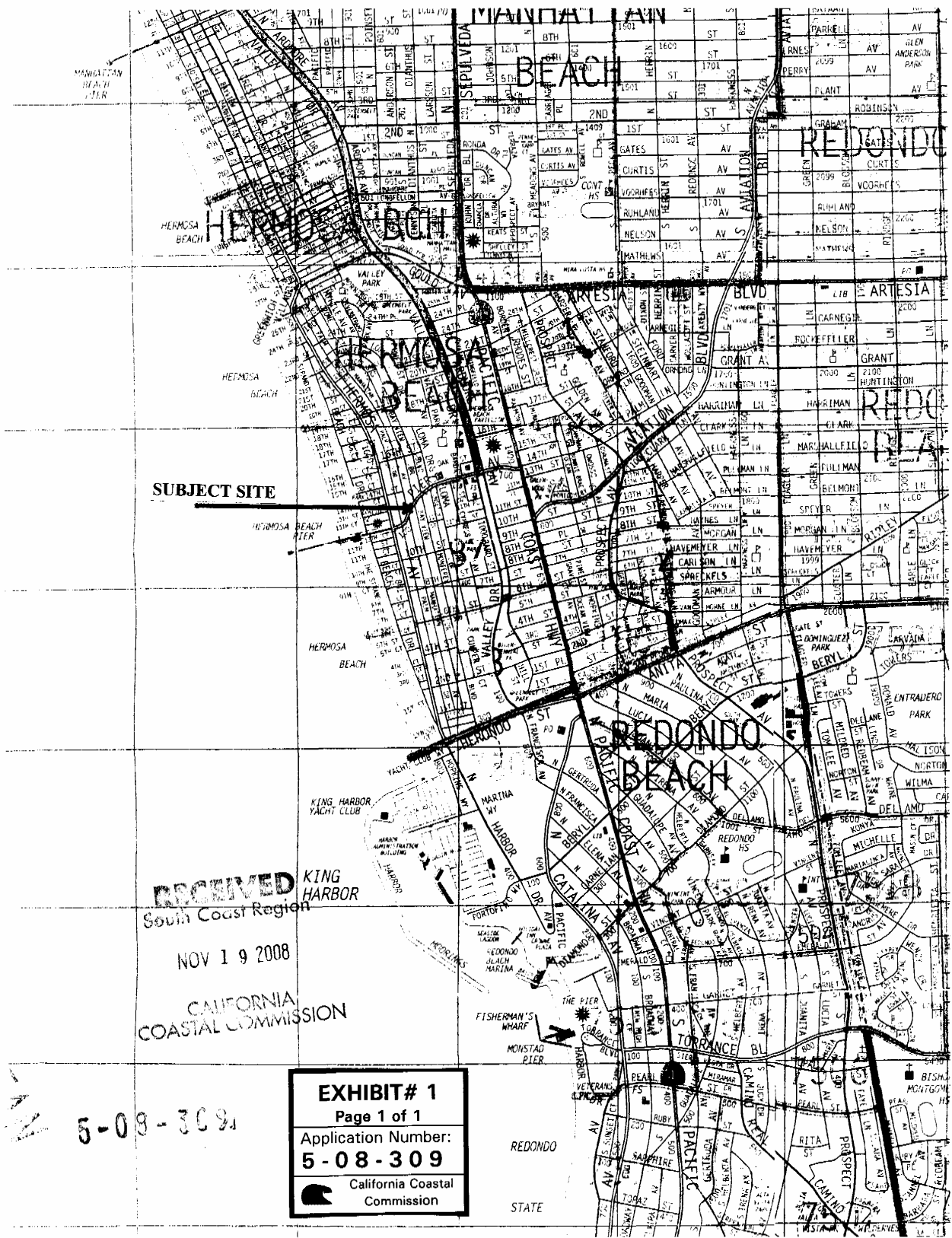
The Commission conditionally certified the City of Hermosa Beach Land Use Plan on August 19, 1981. The Land Use Plan (LUP) was effectively certified with suggested modifications on April 21, 1982. The modifications were accepted and the LUP is certified. The City submitted a final draft of its zoning and implementation ordinances (LIP) and a revision to their LUP in 2000. The amendment and Implementation ordinance was scheduled for public hearing and Commission action at the October 8, 2001 meeting, but the City withdrew. Therefore, these have not been certified and the standard of review for development in Hermosa Beach is still the Coastal Act.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

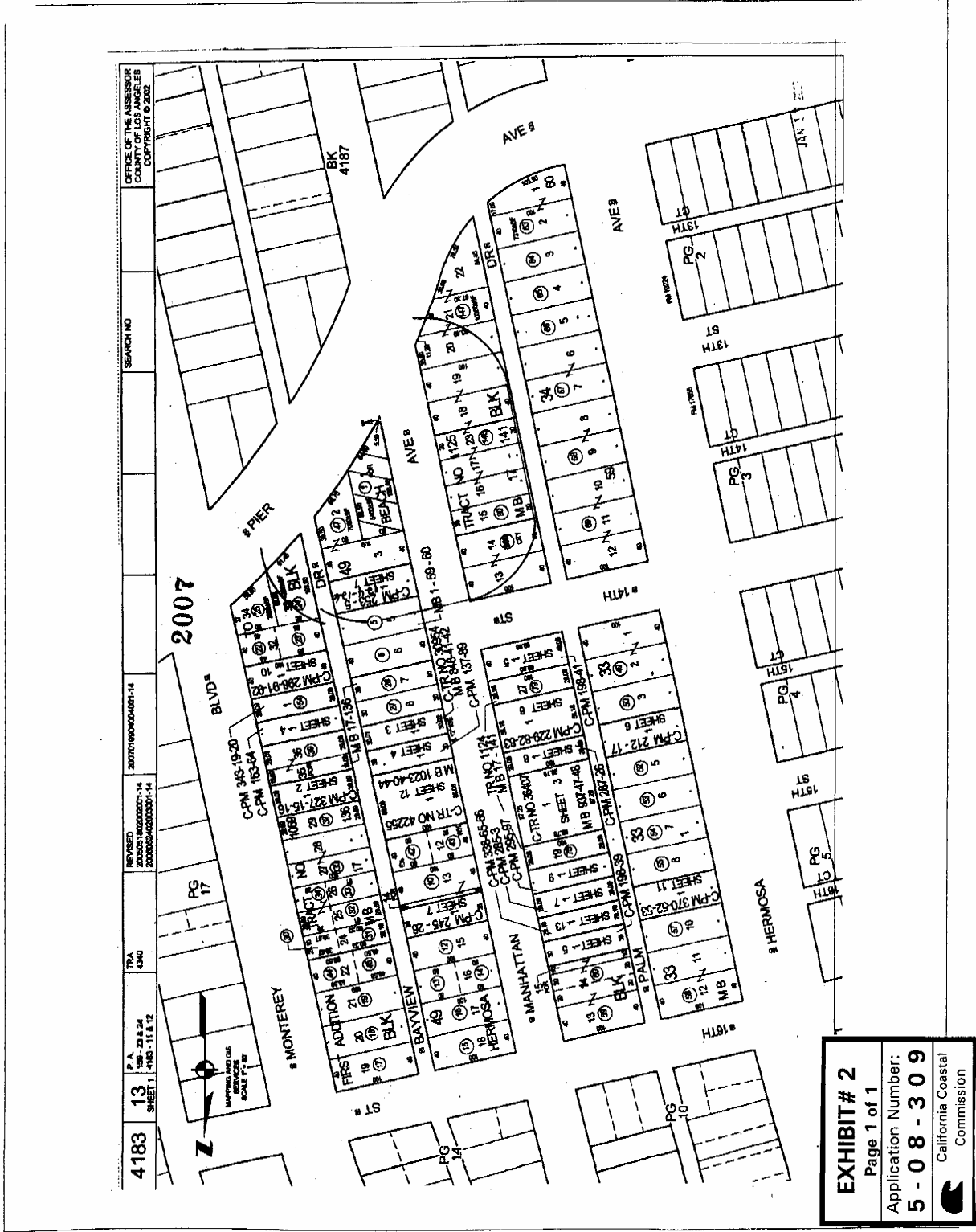


SUBJECT SITE

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South Coast Region
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5-08-309

EXHIBIT # 1
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Application Number:
5-08-309
California Coastal
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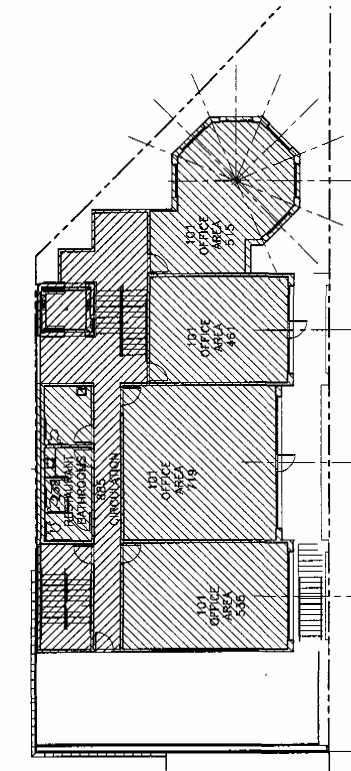
EXHIBIT # 2
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EXHIBIT # 3
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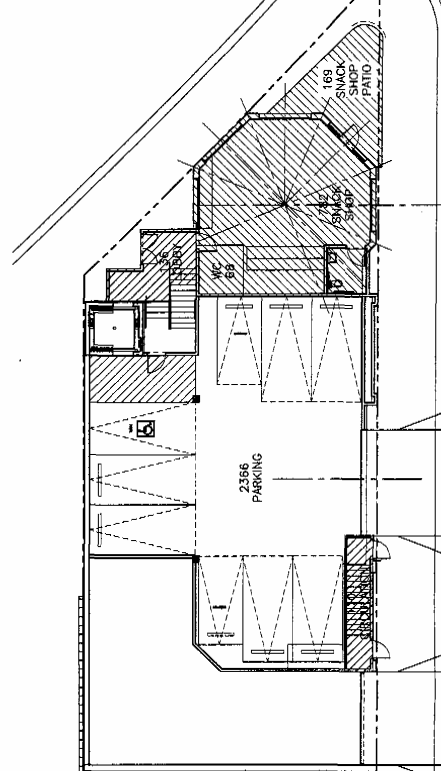
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A NEW
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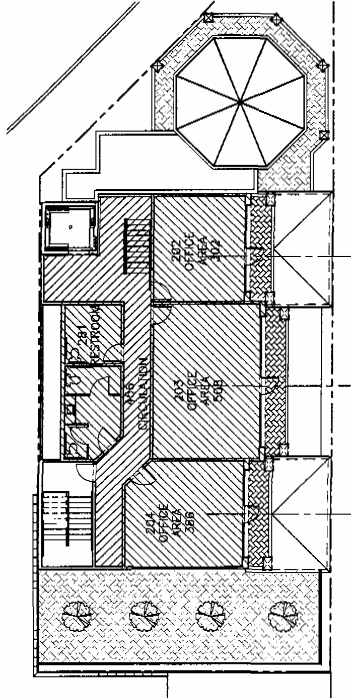
AREA & EXIT
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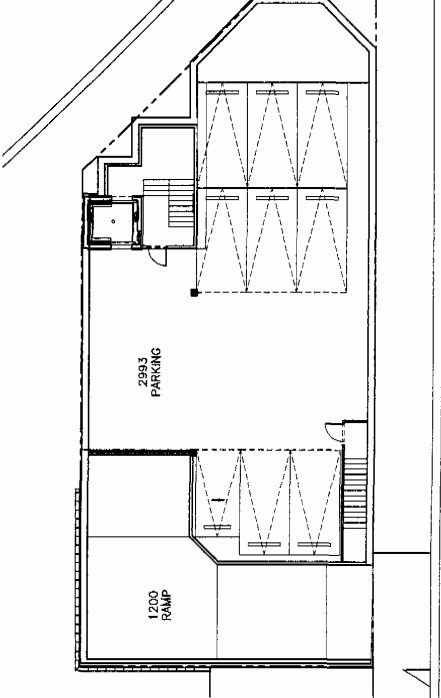
THIRD FLOOR PLAN
 SCALE: 1/8"=1'-0"



SECOND FLOOR
 SCALE: 1/8"=1'-0"



PARKING GARAGE
 SCALE: 1/8"=1'-0"



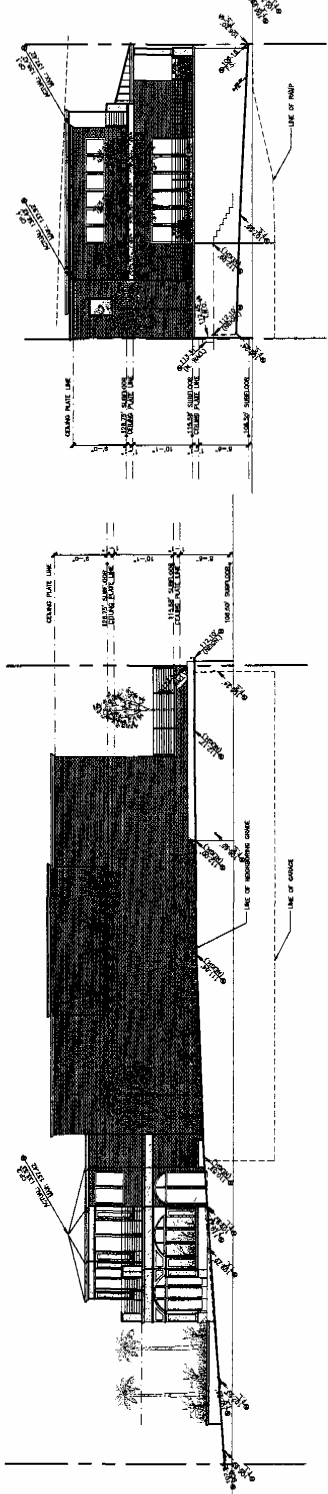
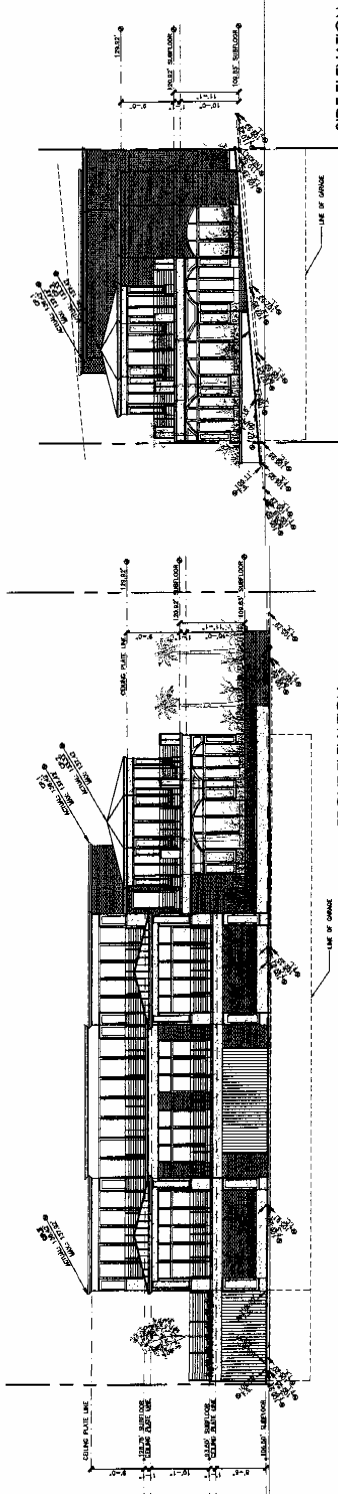
FIRST FLOOR
 SCALE: 1/8"=1'-0"



EXHIBIT# 4
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ELEVATIONS
 SCALE 1/8"=1'-0"

BACK ELEVATION
 SCALE 1/8"=1'-0"

FRONT ELEVATION
 SCALE 1/8"=1'-0"

SIDE ELEVATION
 SCALE 1/8"=1'-0"

5-08-309

P.C. RESOLUTION 08-36

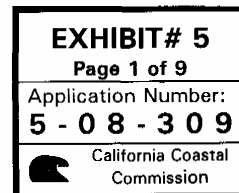
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN TO CONSTRUCT A NEW 6,400 SQUARE FOOT TWO-STORY COMMERCIAL BUILDING WITH BASEMENT PARKING CONTAINING OFFICE AND SNACK SHOP USES; A CONDITIONAL USE PERMIT FOR A COMMERCIAL CONDOMINIUM AND VESTING TENTATIVE TRACT MAP NO. 70364 TO DIVIDE THE BUILDING INTO 7 CONDOMINIUM UNITS; A CONDITIONAL USE PERMIT FOR OUTDOOR SEATING FOR THE SNACK SHOP; A PARKING PLAN TO CALCULATE REQUIRED PARKING BASED ON RETAIL USE FOR THE SNACK SHOP AND TO USE TANDEM PARKING FOR REQUIRED PARKING, AND TO COMPENSATE FOR LESS THAN REQUIRED PARKING BY PAYMENT OF PARKING IN-LIEU FEES; AND, ADOPTION OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS, LOCATED ON PROPERTY AT 205 PIER AVENUE AND LEGALLY DESCRIBED AS LOT 1, BLOCK 49, FIRST ADDITION TO HERMOSA BEACH

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows (which supersede P.C. Resolution 08-29):

Section 1. An application was filed by Raju Chhabria, owner of property at 205 Pier Avenue seeking approval of a Precise Development Plan, Conditional Use Permit and Vesting Tentative Tract Map No. 70364 to construct a commercial condominium building containing 7-units for general office use and outdoor seating for a snack shop and a Parking Plan to calculate required parking based on retail use for the snack shop and to use tandem parking for required parking, and to compensate for less than required parking by subtracting common bathroom area from calculable floor area and adoption of a mitigated negative declaration of environmental impacts.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on May 20, 2008 (P.C. Resolution 08-29), and voted 4:1 to approve the project with payment of in-lieu parking fees for the deficiency of 8 spaces. At the July 22, 2008 City Council meeting, the project was reconsidered by the Council. The project was remanded back to the Planning Commission. The applicant was directed to reduce the number of in-lieu parking spaces needed either by providing additional on-site parking or reducing the square footage of the project.

Section 3. On August 19, 2008, the Planning Commission conducted a duly noticed public hearing to consider the subject application and considered testimony and evidence both written and oral, was presented to and considered by the Planning Commission. Based on the testimony and evidence received the Planning Commission makes the following factual findings:



1. The subject site is located on the northeast corner of Pier Avenue and Manhattan Avenue. The property is currently used for a drive-thru dairy (Alta Dena Dairy) with surface parking for 2 cars.

2. The project involves the demolition of all existing improvements and the construction of a two story building with subterranean parking, containing snack shop use on the basement level of the building and offices on the first and second floor, and includes basement parking. The total allocation of uses for the project, excluding common stairway and common lobby area, includes approximately 4,100 square feet for offices and 1,000 square feet for the snack shop and outdoor seating area.

3. The building contains up to 7 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 Vesting 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 4 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. This results in an aggregate total off-street parking requirement of 20 spaces. There are 18 parking spaces provided on site, 15 regular spaces and 3 compact spaces with direct access off of Manhattan Avenue. Of the 18 parking spaces, there are 3 tandem spaces located on the lower garage level and 3 compact spaces in the parking facility.

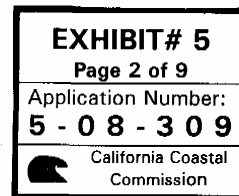
5. The parking calculation is based on gross aggregate floor area for the retail snack shop and office uses. Pursuant to Section 17.44.010, the office floor area does not include open courts, corridors, and open stairways.

6. The applicant is requesting to base parking requirements on net floor area (i.e. to subtract the area of common restrooms and common lobby area from calculable floor area).

Section 4. Based on the foregoing factual findings the Planning Commission makes the following findings pertaining to the applications for a Precise Development Plan, Conditional Use Permit for commercial condominium development and outdoor seating for a snack shop, Vesting Tentative Tract Map, 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. The general criteria of Hermosa Beach Municipal Code Section 17.58.030 for granting or conditionally granting a Precise Development Plan have been considered. In making this finding, the Planning Commission has determined that:

- 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.
- c. The uses proposed are compatible with each other and with existing development in the vicinity.
- d. The proposed exterior and decor of the structure are sufficiently compatible with existing establishments in the area and are consistent with the goals of the Upper Pier Avenue Committee to improve the streetscape for the Upper Pier Avenue.
- e. The project will not result in adverse noise, odor, dust or vibration environmental impacts.
- f. The proposed use will not result in an adverse impact on the City's infrastructure and/or services.

8. 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.



b. The project will not have significant environmental adverse impacts.

9. Pursuant to Section 17.44.210 of the Zoning Ordinance, the deficiency in parking is compensated through the use of tandem parking and the payment of in-lieu fees which is acceptable because the mix of proposed uses that include offices and a snack shop, is located in the pedestrian oriented downtown district and will draw a significant portion of its users from foot traffic and will have peak parking demand periods that differ from many nearby commercial uses that share the same public parking. However, the common restroom area cannot be excluded from calculable floor area in determining the number of spaces deficient.

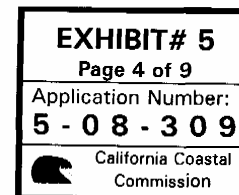
10. Pursuant to Section 17.44.030(O) applying retail commercial parking requirement is appropriate for the snack shop as the use will comply with the definition of snack shop of no more than 25 seats, does not include waiter/waitress table service, except queuing, (intermittent delivery of purchased goods) and does not serve full meals or have a kitchen capable of serving meals but instead serves snacks or non-alcoholic beverages for consumption on the premises or for take-out specifically, items such as donuts and other baked goods, ice cream, yogurt, cookies, coffee, tea and juices are considered snacks. The snack shop is subject to a separate approval by Planning Commission to verify consistency with the snack shop use as defined Section 17.04.050.

Section 5. 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 Mitigated Negative Declaration. A copy of the Initial Study and Mitigated Negative Declaration are attached hereto and incorporated herein by reference.

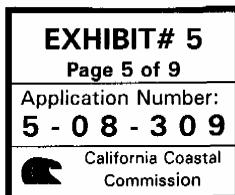
2. The Planning Commission has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and the Mitigation Monitoring Plan. Based on the whole record, the Planning Commission finds that: (i) the Mitigated Negative Declaration was prepared in compliance 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 and Mitigation Monitoring Plan and prepared for the proposed project incorporating the following mitigation measure:

a. A parking operation plan is required to manage the use of 3 tandem parking spaces located on the lower level garage and to maximize the efficient use of the on-site parking facility.



Section 6. Based on the foregoing, the Planning Commission hereby approves the subject Precise Development Plan, Conditional Use Permits, Vesting Tentative Tract Map No. 70364 and Parking Plan subject to the following **Conditions of Approval** (which supersede the conditions contained in P.C. Resolution 08-29):

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 August 19, 2008, 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 east of the public sidewalk to ensure motorists stop prior to the sidewalk before exiting the site
 - b. Decorative paving surfaces for the pedestrian entry and entries into the parking areas shall be provided.
 - c. Provision of street trees and tree grates as approved by the Public Works Department in coordination with street improvement plans from the Upper Pier Avenue Committee, or alternatively the owner shall deposit the necessary funds for the improvements to be constructed at a later date.
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.
4. The proposed project parking is based on four (4) spaces per 1,000 square feet, including the gross aggregate floor area for the retail snack shop, office uses and common restrooms. In order to compensate for required parking that is not provided Section 17.44.040(E) allows the applicant to contribute fees to the City's



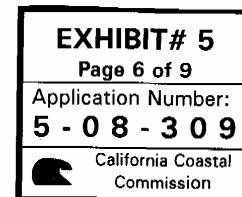
parking improvement fund in-lieu of required parking spaces not provided, at the amount of \$28,900 per required space. The applicant therefore shall pay parking in-lieu fees to compensate for the deficiency of required parking spaces. The payment of parking in-lieu fees shall be made prior to issuance of a Certificate of Occupancy for the building.

5. All parking shall be available for free to customers and employees with the exception of 3 tandem parking spaces that may be assigned for exclusive use by office condominium employees or tenants of the building to maximize the efficient use of the parking facility.
 - a. A parking operation plan shall be submitted for approval by the Planning Division prior to issuance of the building permit.
 - b. The handicap accessible space shall be appropriately signed.
6. 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.
7. 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.
8. The allocation uses of the building shall be as shown on the plan, uses shall be limited to general office, retail snack shop uses allowed in the C-2 zone, with the following approximate allocation of uses, and shall not include any other uses subject to greater parking requirements.

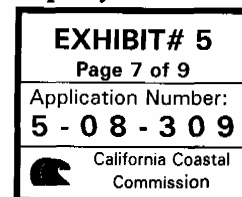
Offices	Approx. 4,100 SF
Snack Shop	Approx. 1,000 SF
Total SF	Approx. 5,100 SF

The office allocation does not include stair corridors or the common lobby. The snack shop allocation includes outdoor seating area. 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.

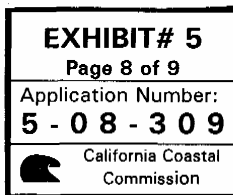
9. A covenant shall be incorporated into the Covenants, Codes and Restrictions for the condominiums and recorded with the property, and with State Department of Real Estate if necessary, stipulating that storage, lockers, lobby, restrooms and other common areas cannot be converted to condominium office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



10. Outdoor seating and use of the outdoor courtyard for the retail snack shop shall be limited to between 7:00 A.M. and 10:00 P.M. daily and no entertainment, speakers, or televisions are allowed in the outdoor seating and courtyard areas.
11. 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, a separate Parking Plan application must be submitted to the Community Development Department for Planning Commission to verify consistency with the snack shop use as defined in Section 17.04.050 prior to issuance of building permit for interior improvements and operation of the snack shop.
12. 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 storm water pollution control, and for sediment control and erosion control during construction.
13. 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.
 - 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.
14. On street parking and parking meter locations shall be reconfigured to maximize on-street parking.
15. 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.
16. 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.
17. The applicant shall work with staff to integrate reasonable sustainable development standards in the project. The applicant shall incorporate at least one (1) sustainable development technology from each of the three (3) categories in the City's Green Building Design Checklist prior to the issuance of the Certificate of Occupancy.



18. The project shall comply with the requirements of the Fire and Public Works Department.
19. Final building plans/construction drawings including site, elevation, floor, roof 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.
20. All roof equipment shall comply with Section 17.46.010 of the Zoning Ordinance. 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.
21. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
22. The Precise Development Plan and Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of the Certificate of Occupancy.
23. 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.
24. Permittee shall defend, indemnify and hold harmless the City, its 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.
25. 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.
26. 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 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.

Section 7. 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.

Section 8. 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:	Pizer, Hoffman, Allen, Darcy
	NOES:	None
	ABSTAIN:	None
	ABSENT:	Chairman Perrotti

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 08-36 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of August 19, 2008.



Ron Pizer, Vice Chairman



Ken Robertson, Secretary

August 19, 2008

Date

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EXHIBIT # 5
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 California Coastal Commission