

P.C. RESOLUTION 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING PRECISE DEVELOPMENT PLAN NO. PDP 20-2 TO ALLOW AN INCREASE OF THE FIRST FLOOR BY 71 SQUARE FEET, DECREASE THE SECOND FLOOR BY 188 SQUARE FEET, NEW 2,212 SQUARE FOOT ROOF DECK, AND COMPLETE REMODEL OF AN EXISTING OFFICE BUILDING LOCATED AT 1001 HERMOSA AVENUE, AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

SECTION 1. An application was filed by Tomaro Architecture (hereinafter 'Applicant'), requesting approval of Precise Development Plan No. PDP 20-2 to allow to convert a multi-tenant office building into a single-tenant office building, increase the first floor by 71 square feet, decrease the second floor by 188 square feet, provide a new roof deck, and remodel the façades of the existing two-story office building located at 1001 Hermosa Avenue, and determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

SECTION 2. The Planning Commission conducted a duly noticed public hearing to consider the application on May 19, 2020, at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission.

SECTION 3. Pursuant to the California Environmental Quality Act, the project is Categorically Exempt from the California Environmental Quality Act as defined in Section 15301, Class 1 Exemption of the CEQA Guidelines. Class 1 exemptions include modifications to existing structures that include no expansion of the existing building in areas where all public services and facilities are available to allow for maximum development permissible in the General Plan and it is not located within an environmentally sensitive area. The proposed project meets all of these criteria. Moreover, none of the exceptions to the Categorical Exemption apply; nor will the project result in a significant cumulative impact of successive projects of the same type in the same place over time, or have a significant effect on the environment due to unusual circumstances, or damage a scenic highway or scenic resource within a state scenic highway. The site is not located on a hazardous waste site and will not cause a substantial adverse change in the significance of a historical resource.

SECTION 4. Based on the testimony and evidence received, the Planning Commission makes the following findings pertaining to the application for the Precise Development Plan pursuant to the criteria in Hermosa Beach Municipal Code (HBMC) Section 17.58.030:

1. *Distance from existing residential uses in relation to negative effects;*
The adjoining property to the west is zone R-3 and is improved with a five-unit apartment building. Nevertheless, the existing building is multi-tenant office building and the proposed project will convert the use to a single-tenant office building. The 71 square foot addition on the first floor and the demolition of a portion of the second floor are located in an area that is on the east side of the building, opposite of the apartment building and will not create a new negative effect on the adjoining uses. In order to prevent the new roof deck from creating a negative effect, staff has recommended several conditions of approval, including limiting the uses to those that are incidental to the office use and preventing the roof deck from being rented out to for special events.
2. *The amount of existing or proposed off-street parking in relation to actual need;*
The parking requirement for general office is one space for every 250 square feet of floor area. The existing building requires 27 parking spaces; whereas, eight parking spaces are provided, which was approved as part of a Parking Plan in 1995. The proposed project will reduce the size of the building, thus does not increase the parking requirement.

The new roof deck does not increase parking demands because the outdoor use is incidental to the office use. Pursuant to HBMC Section 17.26.050(B)(3), “[w]here incidental uses are not conducted within a building, no part of the area devoted to the incidental uses shall be considered as part of the required parking facilities.” Therefore, no additional parking spaces are required for the incidental outdoor use.

3. *The combination of uses proposed, as they relate to compatibility;*
The project will convert the multi-tenant office building to a single-tenant office building. By only having a single tenant the building will operate under consistent business operation and hours, versus different offices having multiple operations and hours. Further, and as noted in Criteria 1, 2, 7 and 8, this approval will not result in other potential impacts.
4. *The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;*
The project will not impact traffic volume or the capacity or safety of streets serving the area as the project is converting an existing multi-tenant office into a single-tenant office. This change is not anticipated to increase traffic thus will not impact the capacity or safety of the streets.
5. *The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;*
The building will be occupied by a single tenant, thus does not require Comprehensive Sign Program. All proposed signs will be reviewed under a separate permit to ensure compliance with applicable code sections.

6. *Building and driveway orientation in relation to sensitive uses, e.g., residences and schools;*
Parking spaces are directly from 10th Street (facing a future motel) and 11th Court (facing a commercial parking lot), which is not being altered from the current location. The pedestrian access to building is oriented towards Hermosa Avenue, which will be maintained with the proposed remodel.
7. *Noise, odor, dust and/or vibration that may be generated by the proposed use;*
Generally, office uses are low impact and generate minimal noise or odor. The majority of the noise, odor, and vibration impacts will be temporary and limited to the construction involved with the addition/remodel.
8. *Impact of the proposed use to the city's infrastructure, and/or services;*
The proposal will not change the use of the building, and as such, is not anticipated to create additional demand on the City's infrastructure and/or services.
9. *Adequacy of mitigation measures to minimize environmental impacts in quantitative terms;*
The project is categorically exempt from the California Environmental Quality Act. Thus, mitigation measures are not required due for the proposal project. However, conditions of approval have been included in this resolution to reduce potential impacts to those who live, work, and visit the area.
10. *Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.*
As noted in the above criteria, approval of the proposed project will not result in the creation of an impact to the surrounding uses and/or the City as a whole. The proposed architecture is consistent with the surrounding buildings.

SECTION 5. Based on the foregoing, the Planning Commission **hereby approves** the request for Precise Development Plan No. PDP 20-2 subject to the following **Conditions of Approval**:

1. **The project shall be substantially consistent with the plans and application submitted and approved by the Planning Commission on May 19, 2020. The Community Development Director shall review and may approve minor modifications that do not otherwise conflict with the Municipal Code or requirements of this approval. Any substantial deviation, changes to the floor plan, site plan or building exterior shall be subject to review and approval by the Planning Commission.**
2. **The roof deck and balcony shall be limited to incidental uses for the office use and shall be only utilized by employees of the office. The roof deck and**

balcony is not eligible for temporary event permits. Gatherings that involve amplified sounds or that create any significant noise impacts are not permitted.

- 3. Architectural treatments shall be as shown on building elevations, site and floor plans approved by the Planning Commission on May 19, 2020.**
- 4. Building height, shall fully comply with the 30-foot height limit, with exception to elevator housing, which is permitted to have a maximum height of 36.13 feet. Precise building height compliance shall be reviewed at the time of Plan Check, to the satisfaction of the Community Development Director.**
- 5. The project shall fully comply with all requirements of the C-2 (General Commercial) zone of the Municipal Code.**
- 6. The plans and construction shall comply with all requirements of the HBMC Title 15 and the California Building Code as adopted by the City of Hermosa Beach.**
- 7. 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; at least 65% of demolition debris associated with demolition of the existing improvements and new construction shall be recycled.**
- 8. The applicant shall either: 1) obtain and provide evidence to the Community Development Director of an approved Coastal Development Permit prior to issuance of the building permit; or, 2) provide a written determination from the California Coastal Commission staff that this project does not require a Coastal Development Permit.**
- 9. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
- 10. Prior to issuance of a Building Permit, abutting property owners and residents within 100 feet of the project site shall be notified of the anticipated date for commencement of construction.**
 - a) The form of the notification shall be provided by the Planning Division of the Community Development Department.**
 - b) Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.**

- c) **Project construction shall conform to the Noise Control Ordinance requirement in Section 8.24.050. Allowed hours of construction shall be printed on the building plans and posted at the construction site.**
 - d) **During construction traffic control measures, including flagmen, shall be utilized to preserve public health, safety, and welfare.**
- 11. **Project construction shall conform to the Noise Control Ordinance requirements in HBMC Section 8.24.050. Allowed hours of construction shall be printed on the building plans and posted at construction site.**
- 12. **All exterior lighting shall be downcast and fully shielded, and illumination shall be contained within the property boundaries. New lighting shall be energy-conserving and motion detector lighting shall be used for all light. Lamp bulbs and images for new fixtures shall not be visible from within off-site residential unit. New exterior lighting shall not be deemed finally approve until 30 days after installation, during which period the Building Official may order the dimming or modification of any illumination found to be excessively brilliant or impactful to nearby properties.**
- 13. **Tint, color glazing, or other permanent window covering that would prevent visibility is strictly prohibited. This shall not be interpreted to prohibit the use of window shades, blinds, curtains, and the such within the building.**
- 14. **The project and operations shall comply with all requirements of the City of Hermosa Beach Building Division, City of Hermosa Beach Public Works Department and Los Angeles County Fire Department, and the City of Hermosa Beach Municipal Code.**
- 15. **Building plans shall be submitted to the Los Angeles County Fire Department for review and approval. Final fire inspections shall be coordinated with the Los Angeles County Fire Department.**
- 16. **Prior to the submittal of plans to the Building Division for plan check, an 'Acceptance of Conditions' affidavit and recording fees shall be filed with the Planning Division of the Community Development Department stating that the applicant/property owner is aware of, and agrees to accept, all of the conditions of this permit of approval.**
- 17. **Prior to the issuance of a Building Permit, the Applicant shall obtain an Encroachment Permit from the Public Works Department for the window awnings facing Hermosa Avenue.**
- 18. **Project construction shall protect private and public property in compliance with HBMC Sections 15.04.070 and 15.04.140. No work in the public right of way shall commence unless and until all necessary permits**

are attained from the Public Works Department including if required, an approved Encroachment Permit.

19. Prior to issuance of a Building Permit, an approved civil engineering plans prepared by a licensed civil engineer, and approved by Public Works, addressing pavement, sidewalk, curb and gutter improvements, on-site and off-site drainage (no sheet flow permitted), installation of utility laterals, and all other improvements necessary to comply with the Municipal Code and Public Works specifications, shall be filed with the Community Development Department.
20. Civil engineering plans shall include adjacent properties/structures, sewer laterals, and storm drain main lines on street.
21. Except as provided in HBMC Section 12.08.020, any owner, lessee or agent or any other person or persons constructing or arranging for the construction of: (a) any commercial or industrial building or residential dwelling structure, or addition thereto, exceeding four hundred (400) square feet in floor area, or (b) any accessory building greater than fifty percent (50%) of the square footage of the existing main building, shall provide for the construction of Portland cement concrete curbs, gutters and sidewalks, street pavement between the gutter and center line of the street fronting the property, and pavement between the edge of pavement and center line of any alley adjoining the property, in accordance with the standard specifications of the City Engineer.
22. No work in the public right of way shall commence unless and until all necessary permits are attained from the Public Works Department including if required, an approved Residential or Commercial Encroachment Permit.
23. Sewer flow rate for upstream and downstream manhole along with manhole rim/lid elevations must be submitted prior to grading and plan check.
24. The project must comply with Storm Water and Urban Runoff Pollution Control Regulations (HBMC Ch. 8.44). Implement required Low Impact Development Standards, provide calculations and documents i.e. Appendix D and E of the Storm Water LID Guidelines, and submit at time of plan check along with an erosion control plan.
25. Where redevelopment results in an alteration to less than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, only the alteration must comply with the new development/redevelopment project performance criteria in the Municipal NPDES Permit, and not the entire development.

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 hereafter adopted that is applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.**
27. **The Planning Commission may review this Precise Development Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood or to the public safety and welfare resulting from the subject use pursuant to the procedures for modification/revocation in the HBMC.**
28. **Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.**

Section 6. This permit 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 permit.

The Precise Development Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to implementing alcohol service. prior to the issuance of a building permit.

Each of the above conditions 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.

To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

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 permit. 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.

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

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 20-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at its regular meeting of May 19, 2020.

Peter Hoffman, Chair

Ken Robertson, Secretary

May 19, 2020
Date