

From: Amir Mikhail <amir@pacificdevelopments.com>

Date: May 20, 2024 at 11:14:32 AM PDT

To: Peter Hoffman <phoffman@hermosabeach.gov>, Marie Rice <mrice@hermosabeach.gov>, David Pedersen <dpedersen@hermosabeach.gov>, Kate Hirsh <khirsh@hermosabeach.gov>, Stephen Izant <sizant@hermosabeach.gov>

Subject: 210 PCH opposition letter

Good morning,

We received the attached opposition letter from planning, and although we are ready to address that during the hearing, below are a few important points that clarifies the concerns raised in the opposition letter:

- As mentioned in the staff report, the project is exempt from CEQA. Utilizing existing building and covert to daycare would actually have a positive impact on the neighborhood (governor's office of planning and research)
 - under VMT Mitigation and Alternatives section that potential measures to reduce vehicle miles traveled include the following:
 - Increase access to common goods and services, such as groceries, schools, and daycare.
 - Retail use (allowed by right) generates more trips than a daycare use.
- The letter from Lucho Rodrigues was part of the back-and-forth review comments and it was addressed with a subsequent new traffic count/studay collected after that letter was issued
 - The city engineer reviewed the updated report and were satisfied with the results
 - The number of loading spaces is sufficient per traffic study prepared by a licensed traffic engineer
- The images, analysis, and narrative in the opposition letters are not accurate and professional studies prepared for the project addresses them;
 - We have indicated that there will be a scheduled pick-up and drop-offs
 - Not all parents are required to drop-off/pick-up at the same time like a typical school. We will arrange that by age groups, and time windows
 - The 77 students is the maximum number per HBMC based on 11 parking spaces provided, this is not the number we anticipate every single day (usually lower)
 - We prepared the studies based on worst case scenario
 - Many factors are considered such as walkability, more than one child in a single car
- The building area (sq. Footage) has not increased, it's the same sq. footage. We relocated a detached small building to be built attached to the main building to create an open yard
 - Open space is required for daycare by the state and is essential to operate daycare business
- The adjacent property owner (Okell's fireplace) offered to use their lot as a kind gesture
 - We have sufficient parking onsite to accommodate the daycare use
 - Double-dipping and use Okells required parking is not permitted
 - Okell's owner would not give away their valuable parking rights permanently to anyone
- Ms Furnberg suggested the demolition of the front building, this is not needed and not feasible for any project
 - All proposed work has been reviewed and approved by CA professional engineer (traffic, structural, acoustic....etc), in addition to the city engineer peer review.

Please let me know if you have any questions or concerns.

Kind regards,

Amir Mikhail

Honorable Commissioners:

This plan is **not** CEQA exempt:

HBMC § 17.40.110 (3)(A) requires 1 parking spot per 7 children and HBMC 17.40.110 (3)(C) also requires “adequate space for loading and unloading of children shall be available or shall be provided on the site”, and the applicant has **not** complied with subsection (3)(C).

On 4/18/24, Lucho Rodriquez from Public Works sent a letter to the applicant stating that 3 loading spaces were **insufficient**, and it would cause queuing to occur on 2nd St. since there is no parking isle/for drop-offs, causing back-ups on 2nd **preventing Emergency vehicle access, which requires a CEQA study.**

The letter advises that the applicant should speak with the owner of the lot across the street at Saint Roche/O’Kelles to work with them to handle all the extra parking needed to drop off children, and that a new traffic study is needed as **drop-offs** could be **more than 5 min.** (See attachment at the end.)

The image below represents what the traffic volume will be with the current plan with **only 3 loading spots**, based on local count at **Children’s Journey Daycare on PCH**, that only has a max of 66 kids.

At Children’s Journey on 5/17, there were **8** employee cars and **14** cars for parents in their lot at 8:10. These parent cars were there for an average of 8.8 min. **Many of the cars where there for 10-14 min.**

You also must add in all the **residents** on 2nd that have to use a **one-way street that forces them to go west to go to work:**



A new traffic report was submitted modifying all the numbers, but the fact that parents for at least 77 children (and up to 98 kids per the initial application) are all going to arrive at rush hour on 2nd St and will cause back- ups:

1. On **PCH** for those traveling South and turning **left onto 2nd** to enter the lot as the PCH left-hand turn lane which is **only 20 feet.**

2. On **PCH** for those traveling North and turning **right onto 2nd** to enter the lot.



The initial part of 2nd is two-way street where it meets PCH, and then becomes a one-way street, but there isn't room for two-way traffic when cars are parked at the mouth of 2nd street where it joins PCH.

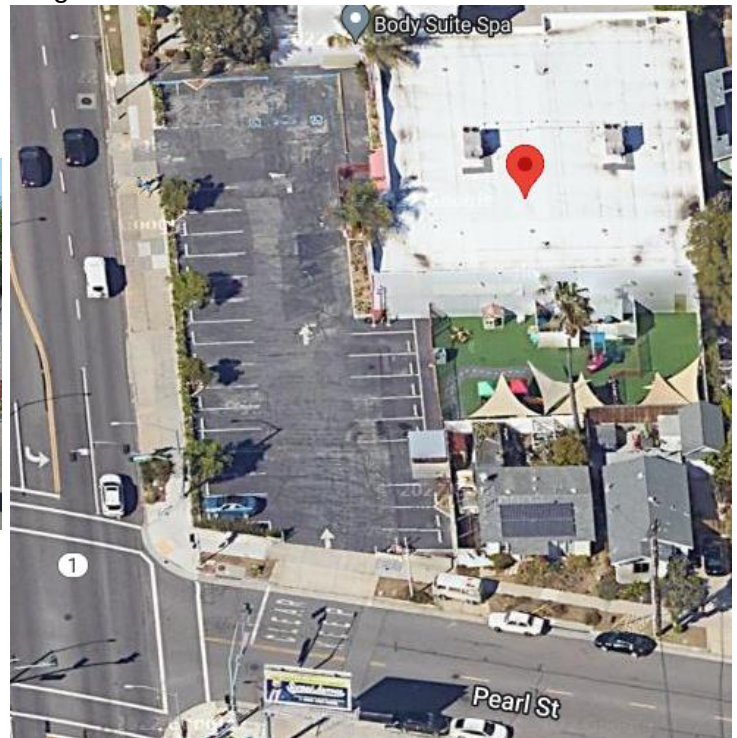
As you can see in this photo looking west on 2nd, where there is a silver car parked on the left preventing the white Audi from entering, when the cars are waiting for the red light to turn green.

3. On 2nd St for those traveling **East on 2nd** crossing PCH to enter the lot on 2nd
4. On 2nd St for those traveling **West on 2nd** waiting to get into the lot **along with residents leaving on a one-way west street to go to work.**

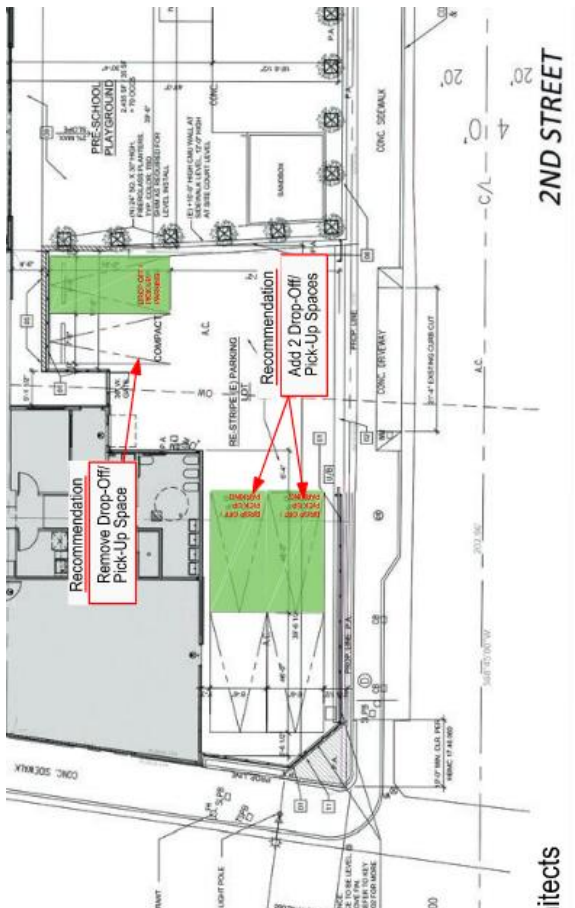
None of this was properly considered in the traffic report.

The applicant is **not choosing** to modify the building footprint at all to add parking in the front for loading to comply with the law and make this **safe for the residents on 2nd to obtain emergency city access** at peak times, **but is asking permission from the city to remove 21 parking spots from the east end of this huge lot!**

With Children's Journey Day Care on PCH, they followed the law and have the proper amount of **loading/unloading** with a total of **22 parking spots** for a max of **66 kids** (per Winnie.com). This equates to up to **9 spots for employees plus 13 more spots for loading/unloading**, with one entrance from a large two-way street (Pearl), and arrows directing for one exit onto PCH:



The applicant is comparing itself to the CUP for Our Lady of Guadalupe Church preschool. Again, look at how much parking and all the room for **loading and unloading** on their lot, and their entrance is on 5th, and the exit is on Massey:



PARKING LAYOUT CHANGES

The applicant has not proposed a plan that complies with 17.40 C3 and is **not exempt from CEQA**, due to traffic that will back up on 2nd **preventing** firetruck access in the case of a fire, or paramedic access for the residents on 2nd (connecting with PCH).

If there is a fire or 911 emergency and there is loss of life or property, the city will be **liable** for considering this project CEQA exempt and approving the CUP when the loading does not conform to the law or the normal standard for these facilities.

Having the entrance and exit for loading all on 2nd St with cars **trying to crossover each other to enter and back out into each other**, as they try to leave and re-enter 2nd St into a long line of cars queuing on 2nd will cause chaos.

Once the CUP is given, the building parameters are set and there is no room to add proper parking for loading and unloading.

On 5/17, my husband monitored drop-offs at Childrens Journey from the hours of 7:53 to 8:32am (and then my husband had to leave for work), there were **at least 9 parent cars the whole time ranging up to 14 parent cars**. If this was on 2nd, it would cause a back-ups that entire time on 2nd (and probably up

to about 9:15). That is 40 min and probably an hour in the morning preventing emergency access, and causing delays to the 2nd St residents to get to work.

The **traffic report** has **fatal flaws**, in that the **peak is not from 7-8am** and starts after 7:53, and the **drop offs are not 5 minutes**.

The drop offs observed at Children's Journey from 6:46 am to 8:32 am had **55** parent cars, and the drop offs lasted up to 24 min (which was probably a new registration or a tour). Out of the 55 parent cars, **20 of them took 9 min or longer, 14 of them took 10-14 min**. (This is the data in minutes of those cars: 3,4,4,4,5,5,5,6,6,6,6,6,6,6,7,7,7,7,7,8,8,8,8,9,9,9,9,10,10,10,10,10,11,11,11,11,11,12,12,13,13,14,24).

Not one parent walked their child to the facility, as assumed in the proposed CUP, and should be **removed**. The whole reason parents use daycare is because they need to be at work, so they won't take the time to walk to the daycare, then walk home, and then try to get to work on time.

I advise that you do the same observation at Children's Journey, and you'll see what the true data is. This facility only has 66 kids versus 77, so the numbers will be even worse on 2nd St.

This business would be doomed to fail with parents that need to do drop offs from 7:53 to 8:32 due to all the back ups and lack of access to the facility.

The **traffic report** is **based on including drop-offs on PCH**. **At the end of the report, it gives the alternative of having all the loading/unloading on 2nd, which is the current option that is being presented to you** to try to avoid back-ups on PCH.

This **switch** to the drop offs on 2nd to **avoid back-ups on PCH** is an **admission that the loading and unloading is insufficient**. Why would you need to change it otherwise. So, they want to transfer this burden of back-ups and discriminate against the residents of 2nd St that must travel west to go to work, causing a hazard.

They didn't think this through as there will **still be back-ups on PCH** for those **traveling north on PCH turning right onto 2nd** and can't enter due to **parked cars not allowing enough room on 2nd to enter** (See picture on pg 2), except when the light changes, but there will be so much queuing on 2nd, that will be very difficult.

There will **also** be back-ups on **PCH** for those turning **left** on to 2nd with a **20' left hand turn lane** that is only for 2 cars. So, this switch to **putting all the loading on 2nd** **does not achieve the intended goal**.

For 77 kids, if you assume 1/3 infants (law requires 1:3 adult-infant ratio), 1/3, toddler (1:4), and 1/3 preschool (1:8), it would require **18 staff members, not including teachers** (1:24 ratio) or any admin staff (CA Code Regs Tit. 5 § 18290). So, this is not a situation in which you should readily approve giving up 21 parking spots on a huge lot, when the plan has insufficient parking for loading and unloading.

The HBMC requires 11 spots per 7 kids (which would be for staff) **plus proper loading and unloading**. It is **two-pronged requirement**. For instance, the unincorporated areas of LA Co require a parking spot for each staff member, plus a ratio per child, plus the proper loading and unloading area. The applicant is trying to double dip and merge the loading space into the required parking spots, and still ask you to approve removing 21 parking spots from the site.

Redondo Beach, RBMC 102.1706 (a) (1), also requires “one space per employee, **PLUS** drop-off and pick-up areas as determined necessary based on the center’s **maximum** capacity.

Hermosa Beach explicitly wrote the law with **2 subsections (section a and c** on pg 1), which **prevents double dipping** of the parking requirement and the loading/unloading requirement. The applicant has not provided the separate loading and unloading on top of the other parking requirement, so the application shouldn’t have even made it to a hearing

In the first draft of CUP/Parking Plan Analysis & Findings, the applicant is wants to increase the day care to **98 kids** (and with the current plan would allow for 144 kids), but since the first draft, they deleted the end of the 2nd sentence re: 98 kids, and even left it blank on your current copy (without moving up the next sentence):

Parking requirements for preschool is 1 space/7 students. The applicant is anticipating an enrollment of 70 students, increasing up to 98 students within one year of operation. Staff will be onsite 30 minutes prior to drop-off period and will facilitate drop-off and assure safety of the students and parents.

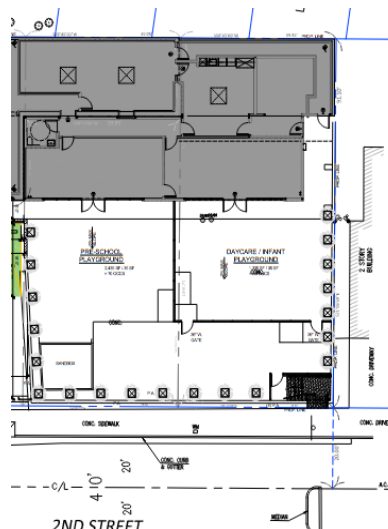
Parking requirements for preschool is 1 space/7 students. The applicant is anticipating an enrollment of **77** students, Staff will be onsite 30 minutes prior to drop-off period and will facilitate drop-off and assure safety of the students and parents.

What control measure will be put in place to prevent more than 77 kids at the daycare. This also needs to be part of the CUP. They only want to get the interior square footage from the back of the building to grow the facility larger, violating the CUP for 77 kids.

The CUP (4.c.) states that if there is substantiated complaints of excessive traffic, the city engineer “may” request a hearing, which should be changed to “shall” request a hearing. Also, there should be a monitoring system in which they have to show proof of enrollment to the city to stay in compliance.

Loading/unloading Amelioration:

A more appropriate plan would be to have all **5 spots for drop offs on PCH**, along **with 2-spots on 2nd**. The two front tandem spots would be for staff (minus 2 at the entrance to back parking lot to enter garages), along with **retaining the garages for staff for 12 spots.**



In their plan, you can see where there are existing garages that they have enclosed (and also build out the front garage to extend all the way to the east of the lot to add even more interior space!)

They have a corridor behind the garages leading to an exit to the playground on the east end and there is already a metal door on the west end.

There is an entrance for the cars to access the garages on the West side with a pull up door on the cinderblock fence. According to the CUP findings, staff would arrive prior to the opening of the business and **play yard will only be used from 10am – 4pm, and not that whole time (per CUP/Parking plan analysis and findings):**

It is anticipated that the preschool play area will not generate significant noise impacts as playground use is proposed to be limited to 10:00 am – 4:00 pm on weekdays (children will not be out this whole time). The proposed play area hours are well within



The applicant can install GeoGrid or similar “driveable grass” if they wanted grass in front of the garages. Here is a sample picture to the left.

The **applicant only needs 2,695 interior sq ft** for the day care for 77 kids (77 x 35 sq ft), so they do not need to be asking to enclose these 3 garages to get 7,214 sq ft.

Keeping the back garages allows for 12 spots (8 as tandem) for staff that is sorely needed to free up spots in the front of the lot for unloading and loading! This would still give the applicant more interior sq ft than is needed (4,094 sq ft). You’ll note that the plans show that only the front of the building is needed for 80 kids.

The 7 loading spots in the front will still not be enough on at peak times, so the Okell’s lot should also be used for the extra 7 loading spots that will be needed.

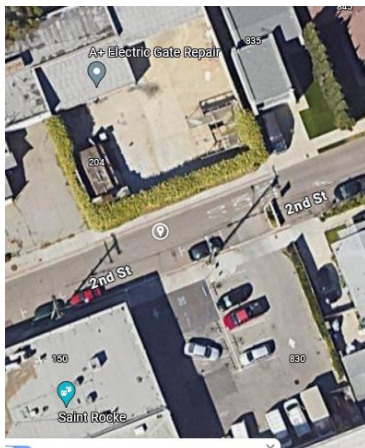
The owner of O’Kelles offered the use of his lot back in Feb (see email below), but the applicant has not pursued this/made this part of the application.

From: [Okells Fireplace](#)
To: [Amir Mikhail](#); [aoropeza@hmosabeach.gov](#); [Johnathon Masi](#); [richarddigorgio](#)
Subject: 210 PCH
Date: Tuesday, February 13, 2024 11:42:10 AM

You don't often get email from info.okells@gmail.com. [Learn why this is important](#)

I'm Richard DiGiorgio, owner of Saint Rocke and Okell's property. Also owner of Okell's Fireplace business.
I don't see a problem with a Childrens Daycare going into Mike Felders former property.
I even agreed to let them use our parking lot for IN and OUT traffic, I believe this would be a nice addition to the community.

Richard DiGiorgio



This would require the applicant to get a signed lease to use this lot from 7:00am to 9:00am and from 4:30pm to 6:00pm, along with the continuation of the lease being on file with the city as part of a **condition to the CUP**.

As you can see, Okell's only provides up to 9 more spots, as there are generally trucks on the South side of that lot, and some of the 9 will be used by Okell's patrons when kids will be picked up.

Otherwise, the applicant would need to demo the entire front part of the building to add 12 more parking spots for loading, **rather than asking the city to give up 21 parking spots from this huge lot (three garages for 12 cars, and parking for at least 9 more cars) on the southeast corner!**

The applicant is also proposing to cut into the cinderblock fence (which will probably ruin it as it is so old) to create an **extra gate** at the northeast corner, which is not needed. This will reduce the sound amelioration and will encourage **parents to park illegally** in the red on 2nd St to drop their kids off at that gate. This should be removed from the plan, as there is already a door on the cinderblock fence on the west side (as depicted), and removing the stairway to the extra gate would allow for more play area.



Additionally, the community petitioned previously to get more notice for these hearing and get the reports sooner, for the commissioners and the residents, as the applicant files all this data with the city for months in advance and gives an unfair advantage against the residents receiving such short notice.

The city clerk said there was no need for that, and that she promised to always load all projects onto the community development part of the city's website (which I'm sure you remember), well in advance of the hearing. This of course was not done, leaving many residents in the dark. Again, the staff report is not posted until the Thursday before the hearing, and should be posted much earlier for the benefit of the commissioners/residents.

One neighbor got a letter from the developer, so he requested documents from the city in February and didn't get anything until 5/15, and still has not received the rest of what he asked for because the city attorney is still reviewing the emails regarding the development. It's just as bad as it ever was.

This application should be denied,
Cynthia Furnberg

Attachment:



**CITY OF
HERMOSA BEACH**
Public Works

RE: Traffic and Parking Study Comments CUP for 210 Pacific Coast Highway
April 18, 2024

To: Jonathon Masi

Hi Jonathon, The Public Works Department has reviewed the RA764 Memo for the traffic and parking analysis for the subject property and has the following findings:

Based on Table 4 in the Traffic Study, there is a nine percent (9%) probability that the demand for the loading/unloading spaces would exceed the three parking (3) spaces provided for loading/unloading. Because there is no parking aisle, the 4th and 5th vehicles would need to queue up on 2nd Street in the public right-of-way (ROW). Although the analysis shows that the demand for four (4) or five (5) loading/unloading spaces would be infrequent, 2nd Street may be blocked for up to five (5) minutes for each occurrence because of the time it takes to load/unload children. The Traffic Study says these activities may take up to five (5) minutes, but in actuality it may be longer. Consequently, 2nd Street may experience abnormal congestion. In addition, the existing driveway on 2nd Street is located approximately 50 feet from PCH, or two (2) vehicle lengths; forcing the queuing on 2nd Street to spillover back onto PCH. It is important to note that the curb-to-curb width is approximately 24 feet wide with on-street parking permitted on the south side.

The applicant may be interested in talking with Saint Rock owners to study the possibility of sharing their parking during the new business' high parking demand.

Additionally, if loading and unloading is not resolved, the spillover onto Second Street may result in a CEQA impact for emergency access and it should be addressed.

Regarding the use of the 2021 traffic counts, it would not be appropriate in this instance for the following reasons:

- Traffic in 2021 has not fully recovered from Covid. A comparison of traffic volumes from Caltrans indicates that there was approximately seven percent (7%) less traffic in 2021 (Covid) than in 2019 (pre-Covid). Although they did apply a 1.5% adjustment per year to the traffic counts, they are still below the 2019 (pre-Covid) traffic volumes.
- For example, Saint Rock, the adjacent business that uses 2nd Street was closed until 2023. Therefore, some of the traffic turning onto and from 2nd Street was not included in the 2021 traffic counts.

Therefore, a new report with current traffic counts shall be submitted for this project.

Please let me know if you have any questions.

Regards,

Lucho Rodriguez