

PC Resolution 23-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 23-10), PRECISE DEVELOPMENT PLAN (PDP 23-07), AND VESTING TENTATIVE PARCEL MAP (VTPM NO. 84231) FOR A THREE-UNIT ATTACHED CONDOMINIUM AT 620 9TH STREET IN THE TWO-FAMILY RESIDENTIAL (R-2) ZONE, AND DETERMINING 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 on August 8, 2023, by the applicants/owners Brett Drogmund and Priscilla Lee, for development of the property located at 620 9th Street, seeking approval of Conditional Use Permit 23-10, Precise Development Plan 23-07, and Vesting Tentative Parcel Map VTPM No. 84231 for the demolition of an existing single-family residence and construction of a three-unit attached condominium project.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on December 11, 2023, at which time testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. The proposed project is Categorically Exempt from the California Environmental Quality Act as defined in Section 15303(b), Class 3 Exemption, New Construction or Conversion of Small Structures, because the proposal pertains to construction of a limited number of new, small structures. More specifically, the project is comprised of construction of three condominium units in an urbanized area, where up to six dwelling units are exempt. Moreover, none of the exceptions to the Categorical Exemptions 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 resources 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. The proposed subdivision is Categorically Exempt from the California Environmental Quality Act as defined in Section 15315, Minor Land Divisions, because the subdivision relates to a residential property in an urbanized area. More specifically, the project proposes a subdivision of four or fewer parcels, in conformance with the General Plan and local zoning standards, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

Section 5. Based on the testimony and evidence received, the Planning Commission hereby further finds, determines, and declares pertaining to the application for a Precise Development Plan pursuant to Section 17.58.030 of the Municipal Code.

1. ***Distance from existing residential uses in relation to negative effects:***

The subject site is zoned R-2 Two-Family Residential with similar residentially zoned properties surrounding the subject site. Consistent with the development standards of the R-2 zone, the subject site is large enough to accommodate three units at a density of 1 unit per 1,802 square feet. Similar residential developments are found in the surrounding area comprised of multi-story multi-family residences.

2. ***The amount of existing or proposed off-street parking in relation to actual need:***

The project would provide ten off-street parking spaces. Specifically, each unit would provide two off-street parking spaces within a garage. The project would also provide four shared guest parking spaces located adjacent to the trash enclosure at the rear of the property, parallel to the garage door of Unit B, and in the driveway leading to Unit A garage parking. The ten off-street parking spaces comply with the Hermosa Beach Municipal Code and meet the needs generated by the project.

3. ***The combination of uses proposed, as they relate to compatibility:***

The attached residential condominiums are consistent and compatible with the surrounding area, given the neighborhood is comprised of mostly multi-family developments. The proposed project complies with all applicable

development standards of the zone including height, setbacks, and lot coverage.

4. ***The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area:***

The project consists of a net increase of two units; the expected traffic increase to the streets serving the area is minimal and would not pose significant risk to general safety of the neighborhood.

5. ***The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area:***

The project does not incorporate signage and as a result is compatible with the area. Accordingly, the aesthetic of the building would remain in compliance with zone development standards including height, setbacks, and lot coverage to ensure compatibility with existing residences in the area.

6. ***Building and driveway orientation in relation to sensitive uses, e.g., residences, schools, churches, hospitals, and playgrounds:***

The buildings and driveways are oriented toward 9th Street. The driveway leads to ten off-street parking spaces. The proposed building and driveway orientation would be consistent with the building orientation of surrounding properties and the project is not anticipated to have adverse effects on surrounding sensitive uses.

7. ***Noise, odor, dust and/or vibration that may be generated by the proposed use:***

The project would not create adverse impacts because the proposed use of the property is residential, which is consistent with the use of the surrounding residential neighborhood. Construction of the three attached condominium units may generate noise, odor, dust, and vibration, but are considered temporary and would occur only during construction activities. Construction noise must comply with the City's Noise Ordinance HBMC Section 8.24.050.

8. ***Impact of the proposed use to the city's infrastructure, and/or services:***

The increase in infrastructure and service demand is minimal and would not pose significant risk for ability to provide necessary services.

9. ***Adequacy of mitigation measures to minimize environmental impacts in quantitative terms:***

The project would not create adverse environmental impacts because the proposed residential use and building design is consistent with surrounding uses and development within the neighborhood and complies with all applicable criteria set forth in the HBMC and General Plan. Conditions of approval have been incorporated to further ensure the project does not create adverse environmental impacts.

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.***

No other considerations noted.

Section 6. Based on the testimony and evidence received, the Planning Commission hereby further finds, determines, and declares pertaining to the application for a Conditional Use Permit pursuant to Section 17.40.020 of the Municipal Code.

1. ***Distance from existing residential uses:***

The subject site is zoned R-2 with similar residentially zoned properties on all sides. The surrounding residential area is comprised of multi-story, multi-family residences with some single-story single-family residences. The proposed project would be compatible with the surrounding area as it would be a multi-story condominium development.

2. ***The amount of existing or proposed off-street parking facilities, and its distance from the proposed use:***

The project would provide ten off-street parking spaces. Specifically, each unit would provide two off-street parking spaces within a garage. The project would also provide four shared guest parking spaces located adjacent to the trash enclosure at the rear of the property, parallel to the garage door of Unit B, and in the driveway leading to Unit A garage parking. The ten off-street parking spaces comply with the Hermosa Beach Municipal Code and meet the needs generated by the project.

3. ***Location of and distance to churches, schools, hospitals, and public playgrounds:***

The subject site is located approximately 0.2 miles from the nearest church located at 730 11th Street, half a mile away from the nearest school located at 1645 Valley Drive, no hospitals within proximity, and approximately 0.4 mile away from the nearest public playground located at 425 Valley Drive. The proposed project would not create any conflict with these uses as the uses are currently surrounded by similar residential developments.

4. ***The combination of uses proposed:***

The attached residential condominiums would be consistent and compatible with the surrounding area due to the fact the neighborhood is comprised of multi-family developments.

5. ***Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses:***

The proposed development complies with the requirements of the HBMC including building height, density, off-street parking, and setbacks. The building design incorporates wall articulations and various building finishes. The proposed project would be compatible with the surrounding residential uses.

6. ***The relationship of the proposed business-generated traffic volume and the size of streets serving the area:***

The proposed project would not generate any business-related traffic as the development consists of residential units.

7. ***The number of similar establishments or uses within close proximity to the proposed establishment:***

The subject site is zoned R-2 with similar residential uses surrounding the subject site. The zoning of the neighborhood and surrounding area is residential which results in various similar uses being located adjacent to the subject property.

8. ***Noise, odor, dust and/or vibration that may be generated by the proposed use:***

The project is not anticipated to create adverse impacts because the proposed use of the property is residential, which is consistent with the use of the surrounding residential neighborhood. Construction of the three attached condominium units may generate noise, odor, dust, and vibration, but are considered temporary and would occur only during construction activities.

Construction noise must comply with the City's Noise Ordinance HBMC Section 8.24.050.

9. ***Impact of the proposed use on the city's infrastructure, and/or services:***

The increase in infrastructure and service demand is minimal and would not pose significant risk for ability to provide necessary services.

10. ***Will the establishment contribute to the concentration of similar outlets in the area:***

The subject site is zoned R-2 with similar residential uses surrounding the subject site. The zoning of the neighborhood and surrounding area is residential which results in various similar uses being located adjacent to the subject property. However, there are no anticipated negative impacts resulting from the concentration of similar uses.

11. ***Other considerations that, in the judgement of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.***

No other recommended considerations are noted; however, the Planning Commission may consider other items during the public hearing.

Section 7. Based on the testimony and evidence received, the Planning Commission hereby further finds, determines, and declares pertaining to the application for a Vesting Tentative Parcel Map pursuant to Section 17.40.020 of the Municipal Code.

1. ***No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan.***

The proposed three-unit condominium is on an existing 5,413 square-foot lot, with a 50-foot lot width. The R-2 Zone requires a minimum lot size of 1,750 square feet per unit, resulting in a maximum of three dwelling units on the 5,413 square foot lot. The lot is consistent with surrounding lot sizes and lot widths within the same zone, and the General Plan Land Use designation for lots in the vicinity, and thus complies with Hermosa Beach ordinances regarding subdivision of lots.

Section 8. Based on the foregoing, the Planning Commission **hereby approves** the subject Conditional Use Permit 23-10, Precise Development Plan 23-

07, and Vesting Tentative Parcel Map No. 84231 for the construction of a three-unit attached condominium project as set forth in Planning Commission Resolution 23-XX, subject to the following Conditions of Approval:

General:

1. The development and continued use of the property shall be in conformance with submitted plans received and reviewed by the Planning Commission at its meeting of December 11, 2023, revised in accordance with the conditions below. The Community Development Director may approve minor modifications that do not otherwise conflict with the HBMC or requirements of this approval.
2. The project shall fully comply with all requirements of the R-2 Zone as applicable and the Condominium Ordinance in Chapter 17.22 of the Municipal Code, including but not limited to:
 - a) Height including required roof deck railings shall fully comply with the 30-foot height limit. Precise building height compliance shall be reviewed at the time of Plan Check, to the satisfaction of the Community Development Director.
 - b) Design and construction shall comply with Section 17.22.060 except as specifically stated in this Resolution.
 - c) Conduit to accommodate roof mounted alternative energy equipment for solar energy and solar thermal shall also be supplied per Section 15.32.140.
 - d) The requirements of Section 17.22.060(F) and (G) shall be shown on structural plans and reviewed at the time of Building Division Plan Check.
 - e) A minimum of 200 cubic feet of storage area shall be provided for each unit in accordance with Section 17.22.060(E).
 - f) Designated, screened solid waste storage areas, a minimum of 2.5' x 2.5' (length times width) each, for three solid waste storage bins shall be shown on the site plan compliance with Chapter 8.12.

- g) All parking dimensions shall comply with Chapter 17.44. Roll-up automatic garage doors shall be installed on all garage door openings and clearly indicated on floor plans.
 - h) Driveway transitions shall comply with Section 17.44.120(D).
 - i) All exterior lighting shall be downcast, fully shielded and illumination shall be contained within the property boundaries. Lighting shall be energy conserving and motion detector lighting shall be used for all lighting except low-level (3 feet or less in height) security lighting and porch lights. Lamp bulbs and images shall not be visible from within any onsite or offsite residential unit. Exterior lighting shall not be deemed finally approved 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 impacting to nearby properties.
 - j) Any satellite dish antennas and/or similar equipment shall comply with Section 17.46.240.
 - k) Architectural treatments shall be as shown on building elevations, site and floor plans.
3. The submitted Covenants, Conditions, and Restrictions (CC&Rs) shall be reviewed and approved by the Community Development Director and City Attorney in conformance with Section 17.22.050 and conditions of this approval prior to Final Map approval.
- a) Proof of recordation of approved CC&Rs shall be submitted to the Community Development Director, prior to issuance of Certificate of Occupancy.
 - b) Six (6) garage parking spaces shall be maintained on-site. All parking spaces shall remain available for parking and shall not be used for storage or other purposes. Storage of boats, trailers, and recreational vehicles shall not be allowed.

- c) The four (4) shared off-street guest parking space, to be compliant with the required turning radius, shall remain open and accessible to each unit, rather than being used for storage or any other purposes, and the Covenants, Conditions, and Restrictions (CC&Rs) shall reflect this condition.
4. The project shall comply with all requirements of the Building Division, Public Works Department, and Fire Department, and the HBMC.
5. The applicant shall comply with all applicable Mitigations Measures of the General Plan Program EIR (SCH No. 201581009) as adopted by the City Council including:
 - a) Construction projects within the city shall demonstrate compliance with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - i. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - ii. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - iii. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - iv. All dirt/soil loads shall be secured by trimming, watering, or other appropriate means to prevent spillage and dust.
 - v. All dirt/soil materials transported off-site shall be required to cover their loads as required by California Vehicle Code Section 23114 to prevent excessive amount of dust.
 - vi. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - vii. Trucks having no current hauling activity shall not idle but shall be turned off (MM 4.2-2A).

- b) In accordance with Section 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to 5 minutes at any location (MM4.2-2b).
- c) Construction projects within the city shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings (MM 4.2-2c).
- d) For any project where earthmoving or ground disturbance activities are proposed at depths that encounter older Quaternary terrace deposits (depths between 15 and 35 feet), a qualified paleontologist shall be present during excavation or earthmoving activities. (MM4.4.3)
- e) If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the City. The project applicant(s) shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered (MM 4.4-3).
- f) For development located at a distance within which acceptable vibration standards pursuant to the Table 4.11-10 of the General Plan Program EIR, included below, the applicant shall submit a report prepared by a qualified structural engineer demonstrating the following:
 - i. Vibration level limits based on building conditions, soil conditions, and planned demolition and construction methods to ensure vibration levels would not exceed acceptable levels where damage to structures using vibration levels in Draft EIR Table 4.11-4 as standards.
 - ii. Specific measures to be taken during construction to ensure the specified vibration level limits are not exceeded.

- iii. A monitoring plan to be implemented during demolition and construction that includes post- construction and post-demolition surveys of existing structures that would be impacted. Examples of measures that may be specified for implementation during demolition or construction include but are not limited to:
1. Prohibition of certain types of impact equipment.
 2. Requirement for lighter tracked or wheeled equipment.
 3. Specifying demolition by non-impact methods, such as sawing concrete.
 4. Phasing operations to avoid simultaneous vibration sources.
 5. Installation of vibration measuring devices to guide decision-making for subsequent activities (MM 4.11-2).

General Plan Program EIR TABLE 4.22-10
Typical Vibration Source Levels for Construction Equipment

Equipment	Vibration Velocity Level at 25 Feet, in/sec	Distance from Equipment Within Which Standard is Exceeded
Pile driver (impact)	0.158	158 feet
Pile driver (sonic)	0.045	68 feet
Clam shovel drop (slurry wall)	0.050	74 feet
Hydro mill (slurry wall)	0.002-0.006	9-17 feet
Vibratory roller	0.050	74 feet
Hoe ram	0.022	43 feet
Large bulldozer	0.022	43 feet
Caisson drilling	0.022	43 feet
Loaded trucks	0.020	40 feet
Jackhammer	0.009	24 feet
Small bulldozer	0.001	5 feet

Building Plans:

6. Two copies of a Final Landscape Plan, consistent with landscape plans approved by the Planning Commission, indicating size, type, quantity, and characteristics of landscape materials shall be submitted to the Community Development Department for review and approval prior to the issuance of Building Permits. The Final Plan shall also include the following:

- a) The applicant shall provide a landscape plan to comply with Sections 17.22.060(H), 8.60.060, and 8.60.070 to the satisfaction of the Community Development Director and Public Works Director.
 - b) An automatic landscape sprinkler system consistent with Section 17.22.060(H) shall be provided and shall be shown on plans (Building Permits are required).
7. The plans shall comply with Section 8.44.095 and install permeable surfaces in the driveway, guest parking space and other non-landscaped areas to the maximum extent feasible. If providing water-permeable surfaces on at least 50% of exterior surface area is not feasible and incorporating measures in 8.44.095 to the extent practicable to infiltrate the volume of runoff produced by an 0.80-inch twenty-four (24) hour rain event, then the applicant shall infiltrate runoff on-site. In the event that subsurface infiltration is required, plans shall designate the exact location of the subsurface infiltration system, the applicant shall enter into a maintenance agreement with the City (prior to Final map approval) for the ongoing infiltration and provide a surety bond to the City to guarantee that on-site, subsurface infiltration is achieved. The amount of the bond shall be determined by the Building Division. All other drainage shall be routed to an off-site facility or on-site permeable area approved by the City. To the extent possible, a portion of roof drainage shall be routed to on-site permeable areas. No drainage shall flow over any driveway or sidewalk.

If the drainage of surface waters onto the property requires a sump pump to discharge said waters onto the street, the property owner(s) shall record an agreement to assume the risk associated with use and operation of said sump pump, release the City from any liability, and indemnify the City regarding receipt of surface waters from the property. The recorded agreement must be filed with the City prior to issuance of the Certificate of Occupancy.

8. The plans and construction shall comply with all requirements of the Building Code in Title 15 and Green Building Standards in Chapter 15.48. Water conservation practices set forth in Section 8.56.070 shall be complied with and noted on construction plans.

9. Two copies of final construction plans, including site, elevation, and floor plans, which are consistent with the conditions of approval of this conditional use permit, shall be reviewed and approved by the Planning Division for consistency with Planning Commission approved plans and this Resolution prior to the submittal to the Building Division for Plan Check.

Prior to the submittal of structural plans to the Building Division for Plan Check an 'Acceptance of Conditions' affidavit and recording fees shall be filed with the Community Development Department stating that the applicant/property owner is aware of, and agrees to accept, all of the conditions of this grant of approval.

10. 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.
11. The address of each condominium unit shall be conspicuously displayed on the street side of the buildings with externally or internally lit numbers and the method for illumination shall be shown on plans. Address numbering and display shall be subject to approval by the Community Development Department.
12. The applicant shall pay all Parks and Recreation Facilities Area Dedication fees at the time of building permit issuance.

Public Works

13. Prior to issuance of a Building Permit, an approved civil engineering plans prepared by a licensed civil engineer, and approved by Public Works, addressing grading, undergrounding of all utilities, 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.

14. Civil engineering plans shall include adjacent properties/structures, sewer laterals, and storm drain main lines on street.
15. Project construction shall protect private and public property in compliance with 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 Residential or Commercial Encroachment Permit.
16. Sewer flow rate for upstream and downstream manhole along with manhole rim/lid elevations must be submitted prior to grading and plan check. Sewer lateral video must be submitted with plan check submittal if the developer plans to use the existing sewer lateral. Sewer lateral work may be required after review of the sewer lateral video.
17. Sewer lateral video must be submitted with plan check submittal if the developer plans to use the existing sewer lateral. Sewer lateral work may be required after review of the sewer lateral video.
18. Sewer main work may be required after review of sewer lateral video.
19. The project must comply with Storm Water and Urban Runoff Pollution Control Regulations (HBMC Ch. 8.44) and must implement Low Impact Development Standards and submit at time of grading and plan check along with an erosion control plan.
20. An easement for, and the right to construct, operate, maintain, repair and use, or to reconstruct, a utility, blanket in nature, shall be recorded prior to Final Map approval.

Construction

21. 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 procedures for notification shall be provided by the Building and Safety Division of the Community Development Department.

b) Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.

22. Project construction shall conform to the Noise Control Ordinance requirements in Section 8.24.050. Allowed hours of construction shall be printed on the building plans and posted at construction site.

23. Traffic control measures, including flagmen, shall be utilized to preserve public health, safety, and welfare.

24. A construction sign shall be posted conspicuously during the course of construction at the project site.

Other:

25. This approval 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. The Conditional Use Permit, Precise Development Plan and Vesting Tentative Map shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

26. Approval of these permits 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.

27. The Planning Commission may review this Conditional Use Permit and Precise Development Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

28. 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 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.

29. 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 9. 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 an Affidavit of Acceptance stating that they are aware of, and agree to and accept, all the conditions of this permit.

The Precise Development Plan shall be recorded with the Affidavit of Acceptance, and proof of recordation shall be submitted to the Community Development Department 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.

Section 10. 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. 23-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 December 11, 2023.

Peter Hoffman, Chair

Carrie Tai, Secretary

Date