

CITY OF HERMOSA BEACH
RESOLUTION NO. 24-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 23-13) TO ALLOW A 7,214-SQUARE-FOOT PRESCHOOL AND DAYCARE WITH AN OUTDOOR PLAY AREA AT 210 PACIFIC COAST HIGHWAY IN THE SPECIFIC PLAN AREA (SPA)-7 ZONE, AND DETERMINATION THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, an application was filed on October 12, 2023, by the applicant, Amir Mikhail, requesting Planning Commission approval of a Conditional Use Permit (23-13) to allow a 7,214 square-foot preschool and daycare with an outdoor play area; and

WHEREAS, the Planning Commission, at its public meeting of May 21, 2024, considered all testimony and evidence, both oral and written, that was presented to the Planning Commission; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act defined in CEQA Section 15303 Class 3 New Construction or Conversion of Small Structures, as the project consists of conversion of an existing structure from one use to another, with minimal exterior modifications. Moreover, none of the exceptions to the categorical exemption(s) apply, nor would 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.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Based on the foregoing factual findings, the Planning Commission determined, pursuant to Hermosa Beach Municipal Code (HBMC) Section 17.40.020 (General Criteria for All Uses), that the property is consistent with the required findings of the Municipal Code:

1. Distance from existing residential uses;

The subject property borders residential zones along its north and east property lines. The site is developed with an existing structure that has no setback from the north property line, and a ten-foot wall that separates the proposed playground and residential properties to the east. As indicated in the Exterior Noise and Exterior Façade Acoustical Analysis, the existing site configuration and recommended exterior design features will adequately prevent excessive effects on adjacent properties. Specifically, the existing property wall between the playground and adjacent properties, will provide adequate shielding for adjacent residences from the proposed use, as well as proper shielding for the playground from adjacent streets.

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

Consistent with HBMC Section 17.40.110 concerning specific requirements for day nurseries or preschool, childcare uses with 13 or more children must provide a minimum of one parking space for every 7 children. The applicant proposes a maximum attendance of 77 students, requiring a minimum of eleven spaces on site. Project plans reflect a total of eleven spaces, with three compact spaces, one ADA accessible space, and three pick-up/drop-off spaces. The applicant prepared a Traffic Operations and Parking Study Evaluation. The study found that with three pickup/drop-off spaces, the site would have adequate loading capacity roughly 91 percent of the time.

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

The subject site is approximately 0.4 miles from Our Lady of Guadalupe Church, 450 feet from the Ocean View Parkette, and 3.1 miles from Providence Little Company of Mary Medical Center in Torrance. The project proposes a change in use, which will not pose significant impacts to the above-mentioned sensitive facilities. The General plan recognizes the need for childcare facilities to serve residents as the family population increases.

4. The combination of uses proposed;

The project proposes a change in use from auto repair and sales to daycare with outdoor playground space. The project is consistent with the intent of the Community Commercial (CC) land use designation, as it offers a use that looks to primarily serve Hermosa Beach residents. Further, the applicant provided an Acoustical Analysis and Traffic Operations and Parking Study to demonstrate the use would not pose significant impacts to adjacent properties.

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

The project proposes to retain the existing nonconforming property line wall, separating the subject property and adjacent residential properties to the east. Further, the Acoustical Analysis, and Traffic Operations and Parking Study include recommended design components and operating conditions to ensure compatibility with adjacent properties. The recommendations of both studies are included in the conditions of approval of the attached draft resolution. Specifically, the applicant is providing window glazing to the specification details by the Acoustical Analysis, relocating pick-up/drop-off space to the south parking lot only as recommended by the Traffic Operations and Parking Study, and extending hours of operation to accommodate a more spread-out pick-up/drop-off time, consistent with the hours analyzed in the Traffic Operations and Parking Study.

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

The applicant provided a Traffic Operations and Parking Study that evaluates the anticipated traffic generated by the use. Further, the study found parking is adequate for the use. However, the study recommended the assigned loading/unloading parking spaces be solely located in the south parking lot, to minimize impacts to Pacific Coast Highway. The study indicated the traffic generated by the use will not impact access for emergency services to the subject site, or adjacent properties. In addition, to minimize queueing onto Pacific Coast Highway, a condition of approval requiring the applicant paint a "KEEP CLEAR" notice on the right-of-way directly adjacent to the south parking lot driveway. Also, the applicant will be required to repaint the "DO NOT ENTER" painted in the right-of-way to the east of the subject property.

7. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;

Proposed signage is subject to HBMC Chapter 17.50. Proposed signage must be constructed in a manner consistent with the standards described by HBMC Chapter 17.50 or obtain a sign variance to deviate from particular design criteria.

8. The number of similar establishments or uses within close proximity to the proposed establishment;

Our Lady of Guadalupe has an existing CUP for a preschool, granted in 2011. The subject site is approximately 0.4 miles from Our Lady of Guadalupe. Our Lady of Guadalupe utilizes the preschool in combination with other uses, including a religious institution, and is located in R-1, Single-family residential zone.

9. Noise, odor, dust and/or vibration that may be generated by the proposed use;

The submitted Acoustical Analysis provides a detailed review of the proposed use and its expected impact to adjacent properties. Specifically, the analysis discusses the interior and exterior noise generated by the use, separated into Zones A-D and the playground. The Acoustical Analysis found the existing nonconforming property wall provided acoustical shielding that minimized excessive noise measured on adjacent properties. Also, the analysis indicated, with proper window glazing, expected interior noise levels will be consistent with what City standards require. Finally, the analysis assumed no more than 30 children would use the playground at any one time. A condition to explicitly limit the number of children using the playground at any one time, to ensure the conclusions of the analysis are based on actual practices on site, is included in the draft resolution.

10. Impact of the proposed use to the city's infrastructure, and/or services;

The applicant provided a Traffic Operations and Parking Study evaluating anticipated traffic generated by the use. Further, the study found parking is adequate for the use. The study recommended the assigned loading/unloading parking spaces be solely located in the south parking lot, to minimize impacts to Pacific Coast Highway. The study indicated the

traffic generated by the use will not impact access for emergency services to the subject site, or adjacent properties.

11. Will the establishment contribute to a concentration of similar outlets in the area;

The project would not contribute to a concentration of similar use, because the City has a limited number of daycare businesses in the area. Further, the project will provide a service which is unique for the SPA-7 zone.

12. 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.

The project proposes landscaping along Pacific Coast Highway. Staff proposes a condition of approval requiring the applicant 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. Specifically, an automatic landscape sprinkler system consistent with Section 17.22.060(H) shall be provided and shall be shown on plans

Additionally, consistent with HBMC Section 8.12.220, staff proposes a condition requiring the site to maintain trash facilities appropriate for the site. Athens requires the following specifications: three bins in a trash enclosure: (1) 3 cubic yard trash bin, (1) 1.5 cubic yard recycling bin, and (1) organics cart. Total size of enclosure to accommodate all three bins must be a minimum 120" X 84" minimum.

SECTION 2. Based on the evidence received at the public meeting, the Planning Commission hereby further finds, determines, and declares that the project is consistent with the City's General Plan (PLAN Hermosa). Specifically, the Conditional Use Permit is consistent with Goals 7 and 13 of the Land Use Element, and Goal 7 of the Public Safety Element.

Goal 7. Adequate space and appropriate integration of community and school facilities that support physical activity, civic life and social connections for residents of all ages and interests.

Policy:

- **7.7. Private recreational, cultural, and health care facilities. Encourage compatible development of private recreation, cultural, education, institutional and health care uses along corridors and in districts.**

Conformity:

The project proposes a service which supports the community needs of the City. Further, the property has a Community Commercial (CC) land use designation, which accommodates locally oriented uses. The project proposes a desirable use, with design features that limit impacts to adjacent properties.

Goal 13. Land use patterns that improve the health of residents.

Policy:

- **13.2 Social and health needs. Support the continuation of existing and new uses that enhance the social and health needs of residents.**

Conformity:

The project offers a new use, which may be utilized by local families. The limited access to childcare within the City, support the proposed project. Further, the use would provide an essential need that is high demand in the City.

Goal 7. Noise compatibility is considered in the land use planning and design process.

Policies:

- **7.1. Noise standards. Adopt, maintain, and enforce planning guidelines that establish the acceptable noise standards identified in Table 6.3.**

Conformity:

Table 6.3 outlines maximum Community Noise Equivalent Levels (CNELs). For Schools, Libraries, Churches, Hospitals, Nursing Homes or similar uses, the maximum interior CNEL is 45 dB, and the maximum exterior CNEL is 65 dB. Further, for Playgrounds, Neighborhood Parks land uses, the maximum exterior CNEL is 70 dB. The project proposes a preschool and daycare, with an exterior playground area. The applicant prepared an Acoustical Analysis which shows the expected noise generated by the combination of uses proposed would be within the maximum levels established by Table 6.3. Specifically, Table 3 and Table 4 concerning Interior and Exterior

Noise Levels show the proposed use is within the prescribed noise levels allowed for the proposed use.

7.2. Noise compatibility. Utilize the Land Use/Noise Compatibility Matrix shown in Table 6.4 as a guide for future planning and development decisions.

Conformity:

Table 6.4 provides review procedures for specific uses, based on the expected CNEL of the use. The matrix uses an A-D rating scale, with A rated uses not requiring special insulation to protect sensitive receptors, and D generally being denied. Hospital, church, library, and school classrooms with CNELs between 65 dB and 70dB are given a C. The Zone C interpretation provides "New construction or development should normally be discouraged. If new construction or development does proceed, a detailed analysis or noise reduction requirements must be made and needed noise insulation features must be included in the design." The Acoustical Analysis the applicant prepared, includes design features to minimize noise impacts to sensitive receptors, including installing glazed windows.

7.3. Noise analysis and mitigation. Require all proposed development projects and modifications to existing developments to be compatible with the existing and future noise levels by using the Land Use/Noise Compatibility matrix shown in Table 6.4, or equivalent city policy or code. Where proposed projects are not located in an area that is "clearly compatible", the City will require that an acoustical study be prepared as a condition of building permit approval demonstrating compliance with the noise standards shown in Table 6.3.

Conformity:

The applicant prepared an Acoustical Study, consistent with Policy 7.3. Further, the analysis shows the project is within the allowable CNELs for the specific use, and includes, where necessary, design features to further minimize noise impacts to sensitive receptors.

Section 3. Based on the foregoing, the Planning Commission hereby approves the subject Conditional Use Permit (23-10), subject to the following Conditions of Approval:

- 1. This approval is for a Conditional Use Permit to allow the operation of a daycare within an outdoor play area in an existing commercial building at 210 Pacific Coast Highway.**
- 2. The facility shall be restricted to a maximum of enrollment of 77 children on-site at any one time.**
- 3. 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 May 21, 2024, as modified in subsection (a) below. The Community Development Director may approve minor modifications that do not otherwise conflict with the HBMC or requirements of this approval.**
 - a. The parking layout shall be revised to be consistent with the intent of Planning Commission approval, demonstrated below. Revised plans showing the below approved parking layout shall be submitted within 7 business days of the date of approval, and reviewed by the Community Development Director for consistency with Planning Commission approval.**

4. To reduce the bunching of trips during pick up and drop off the applicant or operator shall institute the following operating conditions
 - a. The business shall be open and available to receive children from 7 a.m. – 6 p.m.;
 - b. At least one employee shall be in the drop-off/pick-up areas during scheduled times to ensure student safety and minimize drop-off /pick-up times.
 - c. If substantiated complaints of excessive traffic generated by the use are received, the City Engineer may request a hearing before the Planning Commission, to prescribe further operating conditions.
5. The applicant shall notify parents as part of the registration process that pick-up and drop-off shall not occur on Pacific Coast Highway
6. Directly adjacent to the driveway accessible on 2nd Street, the property owner shall paint, to the satisfaction of the City Engineer and consistent with the Manual on Uniform Traffic Control Devices (MUTCD), “KEEP CLEAR”, to the satisfaction of the Public Works Director.
7. The property owner shall re-stripe the existing pavement legend adjacent to the bollard on 2nd Street, “DO NOT ENTER”, to the satisfaction of the Public Works Director.
8. Onsite parking shall be provided and maintained in accordance with HBMC 17.44 and 17.40.110.
 - a. All pick-up/drop-off parking shall be located in the parking lot accessible from 2nd Street. The compact parking space in the parking lot accessible from 2nd Street shall be available for staff use only.
9. The business and staff onsite, shall obtain all required state licensing including, but not limited to, those required by the California Department of Social Service.
 - a. The business shall provide all use components required by state law. Where state and CUP conditions conflict with one another, the stricter condition shall be enforced.

10. The applicant shall provide window glazing consistent with specifications detailed in Table 4 and Appendix I of the submitted Acoustical Analysis dated April 8, 2024.
11. No more than 30 children shall use the outdoor playground area at any one time.
12. The legal nonconforming wall located on the east and south property lines must be maintained for the purpose of acoustical shielding. If the wall requires substantial repair or replacement, the applicant must obtain a CUP, pursuant to HBMC Section 17.46.130(f).
13. The property shall provide and maintain trash facilities adequate to service the site:
 - a. Three bins in a trash enclosure: (1) 3 cubic yard trash bin, (1) 1.5 cubic yard recycling bin, and (1) organics cart.
 - b. Total size of enclosure to accommodate all three bins must be a minimum 120" X 84" minimum.
14. Final construction plans, including site, elevation, and floor plans, 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.
15. 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.
16. Landscaping shall comply with HBMC Sections 17.22.060(H), 8.60.060, and 8.60.070 to the satisfaction of the Community Development Director and Public Works Director.
17. Prior to the issuance of a certificate of occupancy, the applicant shall refresh the perimeter landscaping and an automatic landscape sprinkler system consistent with Section 17.22.060(H) shall be provided and shall be shown on plans.

18. 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 would be provided.
19. The Planning Commission may review this Conditional Use Permit 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.
20. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this permit 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.
21. 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.

PASSED, APPROVED and ADOPTED on the 21st of May, 2024.

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 24-08 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 21, 2024.

Peter Hoffman, Chair

Carrie Tai, Secretary

Date