

## P.C. RESOLUTION 18-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN TO ALLOW A NEW THREE-STORY, DETACHED 2,744 SQUARE FOOT COMMERCIAL BUILDING WITH GROUND FLOOR RETAIL AND SECOND AND THIRD FLOOR OFFICE SPACE, TO BE CONSTRUCTED BEHIND THE EXISTING 1,841 SQUARE FOOT SINGLE-FAMILY RESIDENCE WHICH WILL BE CONVERTED TO A SINGLE-UNIT MOTEL, ON A 4,023 SQUARE FOOT LOT IN THE C-2 (RESTRICTED COMMERCIAL) ZONING DISTRICT AT 70 10<sup>TH</sup> STREET; AND ADOPTING THE MITIGATED NEGATIVE DECLARATION.**

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

**Section 1.** An application was filed on March 21, 2016 requesting approval of Precise Development Plan 16-7 and Parking Plan 16-2 to allow a new three-story, detached 2,744 square foot commercial building with ground floor retail and second and third floor office space, to be constructed behind the existing 1,841 square foot single-family residence which will be converted to a single-unit motel, and a Parking Plan to allow the 12-space parking requirement to be met with 4 on-site spaces (including 1 tandem space) plus fees in lieu for 8 spaces, on a 4,023 square foot lot in the C-2 (Restricted Commercial) zoning district at 70 10th Street; and adoption of a Mitigated Negative Declaration.

**Section 2.** The Planning Commission conducted a duly noticed public hearing to consider the application on July 17, 2018 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 City prepared a Mitigated Negative Declaration (MND) for the proposed project. The MND identified that impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels were potentially significant, but this impact was determined to be less than significant with mitigation and standard conditions of approval for this project. The comment period for the Mitigated Negative Declaration was from June 28, 2018 to July 17, 2018. A notice of intent to adopt a Mitigated Negative Declaration was noticed by publication in the Easy Reader and on the City's website on June 28, 2018, and a public hearing was held at the time of the Planning Commission's consideration of the request on July 17, 2018.

The use of heavy construction equipment has the potential to exceed allowable groundborne vibration levels. The adjacent residence to the west at 64 10<sup>th</sup> Street is a beach cottage constructed in 1914. Because of the age and historic significance of the existing structure on site and the adjacent structure, these nearby structures must be considered especially sensitive to vibration impacts. The proposed Mitigated Negative Declaration includes a mitigation measure indicating, "During the periods of site preparation when heavy equipment (such as a 315 excavator and 953 track loader, or similar) will be in use, vibration levels at site's western property line adjacent to the neighboring residential structure at 64 10<sup>th</sup> Street and at or near the southern foundation of the historic resource on site will be monitored by an acoustic engineer. The monitoring shall be performed by a registered engineer of INCE (Institute of Noise Control Engineering) certified engineer with expertise in vibration monitoring. In the event that vibration is found to exceed the perceptibility threshold of 001 inches per second, the methods and/or equipment used on-site shall be immediately modified to reduce vibration below the 0.01 level.

Results of the acoustic monitoring and associated avoidance methods, if any, shall be provided to the Community Development Director in the form of a memorandum prepared by the acoustic engineer.” A condition of approval is also included which provides specificity on how this mitigation measure must be implemented.

The following mitigation measure is included as a condition of approval within the PDP Resolution to mitigate or avoid significant environmental effects related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. “Prior to issuance of any permits for construction activity, the applicant shall provide proof that they have retained a registered acoustic engineer to the satisfaction of the Community Development Director. During the periods of site preparation when heavy equipment (such as a 315 excavator and 953 track loader, or similar) , vibration levels at the project site’s western property line adjacent to the residential structure at 64 10<sup>th</sup> Street and at or near the southern foundation of the historical residence on-site, shall be monitored by an acoustic engineer. The monitoring shall be performed by a registered engineer or INCE (Institute of Noise Control Engineering) certified engineer, with expertise in vibration monitoring. In the event that vibration is found to exceed the perceptibility threshold of 0.01 inches per second, the methods and/or equipment used on-site shall be immediately modified to reduce vibration below the 0.01 level. Results of the acoustic monitoring and associated avoidance methods, if any, shall be provided to the Community Development Department in the form of a memorandum prepared by the acoustic engineer.”

The Mitigated Negative Declaration prepared for this project reflects the City’s independent judgment and analysis. The Planning Commission finds that, with implementation of the above-referenced mitigation measure which is hereby included as a condition of approval, there is no substantial evidence that the project would have a significant impact on the environment and finds the Initial Study and Mitigated Negative Declaration adequate and complete. The Planning Commission hereby adopts the Mitigated Negative Declaration.

**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 H.B.M.C. Section 17.58.030:

***1. Distance from existing residential uses in relation to negative effects:*** Two residential units are located immediately west of the subject property. The rear residence (69 10<sup>th</sup> Court) is located at the subject property’s west property line and the front residence (64 10<sup>th</sup> Street) is located approximately three feet from the subject property’s west property line. The proposed building is designed with the customer pedestrian entrance/exits and covered walkways located along the east side of the building (Hermosa Avenue frontage) which are oriented away from nearby residential uses, and vehicular access from 10<sup>th</sup> Court. Retail, general office uses and motels are permitted by right within the C-2 zone and all noise from the retail and general office use operations will be contained within the fully enclosed building. Pursuant to HBMC Section 8.24.040, the City’s Noise Ordinance restricts commercial activities that are plainly audible from a residential dwelling unit’s property line from 10:00 p.m. to 8:00 a.m. daily. Lighting will be installed around the building and will be required to be downcast so as not to disturb neighboring residential uses. The project includes a condition to require lighting be downcast and be non-disruptive to nearby uses. Lighting shall conform to HBMC Section 17.44.160(C).

The existing single-family 1911 bungalow structure is proposed to be adaptively re-used as a single-unit motel, and to maintain the historic integrity of the structure, no physical changes are proposed.

The majority of the motel use will be conducted indoors, with the exception of the front and rear patios which will be available to the guests of the motel's single unit. The interior of the structure is being converted from three bedrooms to two bedrooms, as well as a play area next to the kitchen, with the intent being that the single-unit motel will attract families. Therefore, negative impacts to existing residential uses are not anticipated.

**2. The amount of existing or proposed off-street parking in relation to actual need:** The proposed project with the combination of uses (retail, general office and a single-unit motel) requires a total of 12 parking spaces. General office and retail uses both require one space for 250 square feet of gross floor area. The new 2,744 square foot commercial building requires 11 parking spaces, and the existing 1,840 sq. ft. single-family residence (to be converted to a single-unit motel) must provide one parking space because a motel is required to provide one parking space per unit.

HBMC Section 17.44.040 (E) 2.b. requires building sites, where buildings will exceed a 1:1 gross floor area to building site area ratio, to provide a minimum of 25% of the required parking on-site with the remaining required parking authorized to be paid through in-lieu fee contributions with approval of a Parking Plan. The purpose of the in-lieu fee program is to collect funds which can be used to for future improvements to the City's public parking. A Parking Plan is requested to allow the 12-space parking requirement to be met with 4 on-site spaces (including 1 tandem space) plus fees in lieu for 8 spaces. In accepting in-lieu parking, the Commission must find that the parking deficiency will not unduly impact the surrounding area. Future retail/office tenants of the building are not known at this time. Peak parking demand for retail typically occurs between 12:00 p.m. to 3:00 p.m. weekdays and 2:00 p.m. to 5:00 p.m. weekends. Peak demand for office uses typically occurs between 10:00 a.m. to 12:00 p.m. weekdays and weekends.

The nearest public surface parking lot, which contains 130 parking spaces, is located 300 feet away at 1101 Hermosa Avenue (Lot A) . The public parking structure containing 261 parking spaces located at 13<sup>th</sup> Street and Hermosa Avenue (Lot C) is located within 900 feet of the subject property. Occupancy rates for Lots A and C during weekday afternoons is 95% and 96% respectively. Public parking spaces are provided throughout the Downtown, which is located within Zone 2 of the Coastal Zone public parking supply (between 16<sup>th</sup> Street and 8<sup>th</sup> Street and as far east as Ardmore Avenue). In Zone 2, through a combination of public parking lots and metered street parking spaces, occupancy rates are 48% on weekday afternoons.

The City's in-lieu parking program requires that a minimum of 25% of the required spaces be provided on site for properties where the Floor Area Ratio exceeds 1:1. The proposed project FAR totals 1.14, therefore, a minimum of 3 parking spaces (25% of 12 spaces) must be provided on-site. The proposal includes 4 parking spaces on-site with 8 in-lieu spaces requested. Additionally, a bike rack accommodating approximately five bicycles is proposed to be located near the southeast corner of the existing structure. Although specific users of the proposed multi-tenant building are unknown, it may be assumed that employees and patrons will be visiting other Downtown businesses and can avail themselves of the "park once" strategy such that the proposed 4 on-site parking spaces would be sufficient to satisfy their needs for parking during peak demand periods.

**3. The combination of uses proposed, as they relate to compatibility:** The subject site will contain one retail tenant on the ground floor level and four general office tenants on the second and third floor levels. The single-family residence will be converted to a single-unit motel use. Retail is favorable on the ground floor level and contributes to a pedestrian oriented environment within the Downtown District. Office uses are reserved for upper floor levels. Retail, general office uses and motels are

permitted by right within the C-2 zone, and all noise from the retail and general office use operations will be contained within the fully enclosed building. Since general office and retail uses typically operate during the day time, those uses are anticipated to be compatible with the proposed single-unit motel. On-site uses are compatible and will complement one another, and the combination of uses is consistent with the surrounding mixture of commercial uses such as general and medical office, retail and restaurant uses. Therefore, adverse impacts are not anticipated.

**4. *The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area:*** The project will not introduce any hazards to mobility, as alterations to the surrounding streets are not proposed and the project's proposed modifications will not impact emergency access to the site. Emergency access and fire lanes and ingress and egress points will be maintained in full compliance with the Building and Safety Code and Fire Code. The project does not propose any features or modifications to existing circulation facilities that would have the potential to conflict with transportation/mobility plans. Additional peak hour trips generated by the proposed project are well below the standard threshold of significance of 50 trips during a peak hour, indicating the project does not have the potential to result in significant impacts related to the capacity of local or regional roads or intersections. Therefore, adverse impacts are not anticipated.

**5. *The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area:*** The new commercial building will be detached and located approximately six feet behind the existing on-site single-family residence. In doing so, the project will preserve the small scale character as viewed from 10<sup>th</sup> Street. Although the new building is not required to be compatible with the bungalow or the eligible historic district in scale or massing, it is important that the new building does not impact the integrity of the eligible 10th Street Beach Bungalow Historic District to the extent that the district would no longer be eligible for historic listing. Architectural treatments and design elements include painted lap siding, wood trim, wood picket railing, exposed rafter tails, masonry walls and covered and recessed walkways and balconies to provide a more pedestrian friendly streetscape. The elevator housing unit will exceed the 30-foot height limit by the minimum amount necessary to meet the California Building Code (approximately 3.66 feet) pursuant to HBMC Section 17.46.010. The project includes a condition requiring a sign permit for new signage at the subject site in conformance with HBMC Section 17.50.

**6. *Building and driveway orientation in relation to sensitive uses, e.g., residences and schools:*** The proposed building is designed with the customer pedestrian entrance/exits and covered walkways located along the east side of the building (Hermosa Avenue frontage) which are oriented away from nearby residential uses. The project will maintain the existing vehicular access point provided by a driveway along the south alley (10<sup>th</sup> Court). The vehicular ingress/egress point is oriented to the south, across from an existing commercial building, where it is least impactful to nearby residences and will additionally limit impacts to street traffic on Hermosa Avenue. No new curb cuts are proposed and all on-street parking spaces will be preserved. No impacts are anticipated. The new building which abuts the Hermosa Avenue sidewalk will be recessed back approximately three to six feet and will contain covered walkways to provide a more pedestrian oriented frontage along Hermosa Avenue.

**7. *Noise, odor, dust and/or vibration that may be generated by the proposed use:*** The short duration of noise events generated during construction will temporarily result in increased ambient noise levels, but will not significantly impact the ambient noise environment over the long term or for a significant period of time. Compliance with the City's Noise Ordinance will effectively ensure that the project does not exceed adopted standards and successfully avoids significant construction-related temporary noise impacts. Retail, general office uses and motels are permitted by right within the C-2 zone, and all

noise from the retail and general office use operations will be contained within the fully enclosed building. The majority of the motel use will be conducted indoors, with the exception of the front and rear patios which will be available to the guests of the motel's single unit. The interior of the structure is being converted from three bedrooms to two bedrooms, as well as a play area next to the kitchen, with the intent being that the single-unit motel will attract families. As such, significant noise impacts from the long-term operations are not anticipated.

The use of heavy construction equipment has the potential to exceed allowable groundborne vibration levels. The adjacent residence to the west at 64 10<sup>th</sup> Street is a beach cottage constructed in 1914. Because of the age and historic significance of the existing structure on site and the adjacent structure, these nearby structures must be considered especially sensitive to vibration impacts. The proposed Mitigated Negative Declaration includes a mitigation measure indicating, "During the periods of site preparation when heavy equipment (such as a 315 excavator and 953 track loader, or similar) will be in use, vibration levels at site's western property line adjacent to the neighboring residential structure at 64 10<sup>th</sup> Street and at or near the southern foundation of the historic resource on site will be monitored by an acoustic engineer. The monitoring shall be performed by a registered engineer of INCE (Institute of Noise Control Engineering) certified engineer with expertise in vibration monitoring. In the event that vibration is found to exceed the perceptibility threshold of 001 inches per second, the methods and/or equipment used on-site shall be immediately modified to reduce vibration below the 0.01 level. Results of the acoustic monitoring and associated avoidance methods, if any, shall be provided to the Community Development Director in the form of a memorandum prepared by the acoustic engineer." A condition of approval is also included which provides specificity on how this mitigation measure must be implemented.

The project is conditioned to require the applicant submit a demolition and construction management plan for review and approval by the City Building Official at time of Building Permit submittal. The project is also conditioned to require the applicant to hold a pre-demolition/ construction meeting, and the procedural handout is attached. Therefore, with implementation of the mitigation measure and various conditions of approval, adverse impacts are not anticipated.

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

The existing site has available utilities and services. The site has historically been occupied by a residential use. The City's Public Works Department has confirmed that that adequate capacity exists to provide utilities for the proposed development.

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

An Initial Study and Mitigated Negative Declaration was prepared to analyze the proposed project. The Initial Study/Mitigated Negative Declaration determined that, with implementation of one mitigation measure (which has also been included as a condition of approval in the PDP Resolution), the project would not result in any significant 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.***

HBMC Section 8.12 requires adequate solid waste collection and disposal facilities for all developments. While specific tenants have not been identified, based on the combination of uses proposed for the site, a minimum four cubic yard roll off container is needed. A trash enclosure is proposed along the west side of the existing structure where the container can be rolled to the edge of the property along 10<sup>th</sup> Street. Although that space is not large enough to meet the minimum dimensions for a parking stall, the area has been informally used to park vehicles, such as a golf cart. A

condition of approval is included requiring that a trash enclosure facility capable of accommodating a minimum four-yard roll off container be located along the west side of the existing structure, and that the area be adequately signed to prohibit parking in that area.

The project is conditioned such that upon final approval of the Conditional Use Permit amendment the property owner shall be required to file with the City of Hermosa Beach the necessary business license for the motel use and file the transient occupancy tax (TOT) reports and payments with the City of Hermosa Beach.

**Section 5.** Based on the foregoing, the Planning Commission hereby **approves** the proposed Precise Development Plan 16-7 subject to the following **Conditions of Approval**:

- 1. The proposed project shall be substantially consistent with plans submitted and approved by the Planning Commission on July 17, 2018. Minor modifications that do not affect scale, type, location or intensity of uses or impacts thereof may be approved by the Community Development Director when not in conflict with the findings or conditions of this permit or the Municipal Code. Any substantial deviation must be reviewed and approved by the Planning Commission.**
- 2. Parking Plan Resolution PC 18-XX shall additionally govern the subject site.**
- 3. Upon final approval of the Conditional Use Permit amendment the property owner shall file with the City of Hermosa Beach the necessary business license for the motel use and file the transient occupancy tax (TOT) reports and payments with the City of Hermosa Beach.**
- 4. Prior to issuance of any type of construction-related permits, the developer shall provide evidence that a registered engineer or INCE (Institute of Noise Control Engineering) certified engineer with expertise in vibration monitoring has been hired, and that the scope of work and frequency/availability of the engineer is adequate, to the satisfaction of the Community Development Director. During the periods of site preparation when heavy equipment (such as a 315 excavator and 953 track loader, or similar) will be in use, vibration levels at site's western property line adjacent to the neighboring residential structure at 64 10<sup>th</sup> Street and at or near the southern foundation of the historic resource on site will be monitored by an acoustic engineer. The monitoring shall be performed by a registered engineer or INCE (Institute of Noise Control Engineering) certified engineer with expertise in vibration monitoring. In the event that vibration is found to exceed the perceptibility threshold of 001 inches per second, the methods and/or equipment used on-site shall be immediately modified to reduce vibration below the 0.01 level. Results of the acoustic monitoring and associated avoidance methods, if any, shall be provided to the Community Development Director in the form of a memorandum prepared by the acoustic engineer.**
- 5. Architectural treatments and accessory facilities shall be as shown on building elevations, site and floor plans. Precise building height compliance shall be reviewed at the time of plan check, to the satisfaction of the Community Development Director.**
- 6. The elevator housing unit shall be subject to Hermosa Beach Municipal Code Section 17.46.010 and shall occupy no more than 5% of the total roof area.**

- 7. All exterior lighting shall be downcast and 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 (three 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.**
- 8. Lighting for signage must be downcast and non-disruptive to nearby uses and compliant with HBMC Section 17.50 (Signs).**
- 9. A sign permit shall be obtained for new signage at the subject site in conformance with HBMC Section 17.50.**
- 10. The northerly (1<sup>st</sup> access) tandem space shall be designated for employee parking during daytime hours of 8am to 5pm daily. The northerly (1<sup>st</sup> access) tandem space shall be adequately identified with surface painted as well as vertical (building or pole mounted) signage, subject to review and approval of the Community Development Director.**
- 11. A trash enclosure facility capable of accommodating a minimum four-yard roll off container shall be located along the west side of the existing structure, and that the area be adequately identified with surface painted as well as vertical (building or pole mounted) signage to prohibit parking in that area, subject to review and approval of the Community Development Director.**
- 12. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
- 13. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance (Hermosa Beach Municipal Code Chapter 8.24) and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.**
- 14. The establishment shall not adversely affect the welfare of the residents, and/or commercial and residential establishments nearby.**
- 15. The plans shall comply with Hermosa Beach Municipal Code Section 8.44.095 and install permeable surfaces in the parking lot 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 a 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.**

- 16. 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 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. The applicant shall obtain and provide evidence to the Community Development Director of an approved Coastal Development Permit prior to issuance of the building permit.**
- 18. The project and operations shall comply with all requirements of the Building Division, Public Works Department and Fire Department, and the City of Hermosa Beach Municipal Code.**
- 19. 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.**
- 20. The applicant shall submit a demolition and construction management plan (and shall hold a pre-demolition/construction meeting) for review and approval to the City Building Official at time of Building Permit submittal.**
  - a. 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.**
  - b. The form of the notification shall be provided by the Planning Division of the Community Development Department.**
  - c. Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.**
  - d. 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.**
  - e. During construction traffic control measures, including flagmen, shall be utilized to preserve public health, safety, and welfare.**
- 21. 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.**

- 22. Civil engineering plans shall be prepared by a licensed civil engineer and conceptually approved by the Public Works Department prior to submitting an application for Building Permits. Complete civil engineering plans shall address 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 and shall be filed with the Community Development Department.**
- 23. Civil engineering plans shall include adjacent properties/structures, sewer laterals, and storm drain main lines on street.**
- 24. 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.**
- 25. 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.**
- 26. 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.**
- 27. 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, submit at time of grading and plan check along with an erosion control plan.**
- 28. The practice of washing and rinsing floor mats, equipment, tables, etc., or discharge of any liquids, other than Stormwater, onto the public right-of-way, into the parking lot drain or storm drains, is strictly prohibited. Discharge of liquids or wash water shall be limited to the sanitary sewer.**
- 29. Exterior and interior water use shall comply with Chapter 8.56.**
- 30. 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 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.**
- 31. 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 resulting from the subject Precise Development Plan.**

- 32. 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 and shall be recorded, 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.

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. 18-**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 July 17, 2018.

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Marie Rice, Chairperson

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Ken Robertson, Secretary

July 17, 2018  
Date