

P.C. RESOLUTION 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN AMENDMENT 19-10 TO EXPAND AN EXISTING 238 SQUARE FOOT ROOF DECK BY 510 SQUARE FEET TOTALING 748 SQUARE FEET AT ONE OF THE THREE RESIDENTIAL CONDOMINIUM UNITS BELOW THE 30-FOOT HEIGHT LIMIT AT A MIXED USE BUILDING AT 40 HERMOSA AVENUE, AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

Section 1. An application was filed by Musolino Architecture, for a Precise Development Plan Amendment 19-10 to expand an existing 238 square foot roof deck by 510 square feet totaling 748 square feet at one of the three (northernmost) residential condominium units below the 30-foot height limit at a mixed use building at 40 Hermosa Avenue, and determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application on September 17, 2019, at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission.

Section 3. Pursuant to the California Environmental Quality Act, the project is categorically exempt from the California Environmental Quality Act as defined in Section 15301(a) Existing Facilities in that the proposal pertains to an existing facility and involves only minor alterations of the interior and exterior. The existing 238 square foot roof deck will be expanded by 510 square feet totaling 748 square feet below the 30-foot height limit.

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 Amendment pursuant to the criteria in Hermosa Beach Municipal Code (HBMC) Section 17.58.030:

HBMC Section 17.58.030 Precise Development Plan general criteria for all uses:

1. Distance from existing residential uses in relation to negative effects: Directly to the north of the subject site is a C-1 zoned lot containing five legal non-conforming residential units, to the east and across Palm Drive are two residential condominiums within the Residential Professional (R-P) zone, to the south across Lyndon Street are four legal non-conforming residential units in the C-1 zone, and to the west across Hermosa Avenue are a mixture of single and multiple family homes in the Multiple-Family Residential (R-3) zone. The enlarged roof deck will be utilized

exclusively by the condominium owners to expand their outdoor living area. Therefore, negative impacts to existing residential uses on-site and in the surrounding area are not anticipated.

2. *The amount of existing or proposed off-street parking in relation to actual need:* The mixed use project approved by the Planning Commission in 2004 required 17 parking spaces for the mixture of uses. Nine parking spaces are required for the commercial use(s) and eight spaces are required for the three residential units (six standard and two guest spaces). No additional parking spaces are required for the roof deck expansion and parking spaces will not be altered as part of this request.

3. *The combination of uses proposed, as they relate to compatibility:* The subject site currently contains a three-story mixed-use building with three residential units on the upper floors and a ground floor commercial use. The existing use mixture will remain and the project is limited to a roof deck expansion. Therefore, adverse impacts are not anticipated because there will be no change to the current number of residential units or ground floor commercial use.

4. *The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area:* The project will not impact traffic volume or the capacity or safety of streets serving the area as the project is limited to a roof deck expansion at an existing residential condominium unit. Therefore, adverse impacts are not anticipated because the enlarged roof deck will be utilized exclusively by the condominium owners to expand their outdoor living area and the number of occupants will remain the same. Therefore, the project will not generate additional traffic volume or alter the capacity and safety of streets serving the area.

5. *The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area:* The existing building was approved for architectural modifications in 2007 which included design elements such as metal guardrails, clear window and door glazing, aluminum mullions, paint, and steel canopies. There will be no changes to the east building elevation where the existing 238 square foot roof deck and solid 3'9" guardrail will remain unchanged. There will be visible alterations to the north, west and south building elevations where a 1'6" high glass topper rail will be installed atop the existing 2' solid parapet wall. The extended roof deck will match the height of the existing roof deck guardrail. The glass guardrail matches and is compatible with the existing building design. Therefore, the design of the roof deck extension is compatible with the existing building design and is compatible with development in the surrounding area which have similar development standards (including building height) and provide similar roof decks.

6. *Building and driveway orientation in relation to sensitive uses, e.g., residences and schools:* In the C-1 zone and surrounding R-3 zoned properties, any building may have a maximum height of thirty (30) feet. The proposed roof deck guardrail complies with the 30-foot building height limit. In addition, many residences in Hermosa Beach are designed with roof decks to take advantage of ocean views and optimize open space area. The subject site does not directly abut residentially zoned property therefore no setbacks are required along the front, side or rear property lines. The expanded roof deck will exceed code requirements and will be located approximately 7'6" back from the front property line (along Hermosa Avenue) and will be located approximately 5 feet back from the north property line. The south roof deck guardrail

will be located adjacent to the neighboring unit's roof. No impacts are anticipated because the proposed roof deck expansion will not result in modifications to existing driveway orientation, the roof deck guardrail complies with the 30-foot building height limit and the roof deck will be setback from the front (west) and side (north) property lines beyond what the code requires.

7. Noise, odor, dust and/or vibration that may be generated by the proposed use: The temporary noise generated during the construction period will result in increased noise levels as customary with residential construction. All construction activities must comply with the City's hours of construction and dust abatement regulations. Construction must conform to the Noise Control Ordinance requirements in HBMC Section 8.24.050. Allowed hours of construction must be printed on the building plans and posted at construction site. The project is conditioned to require that 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. Therefore, adverse impacts are not anticipated due to increased noise levels being temporary during construction and there being no long-term ambient noise impacts resulting from the roof deck expansion.

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

The proposed roof deck expansion will not impact the City's infrastructure or services because the existing residence is currently serviced by City infrastructure and there will be no alterations to the residence.

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

Mitigation measures are not required as the project is categorically exempt from the California Environmental Quality Act as defined in Section 15301(a) Existing Facilities in that the proposal pertains to an existing facility and involves only minor alterations of the interior/exterior.

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.

None noted.

Section 5. Based on the foregoing, the Planning Commission **hereby approves** the request for Precise Development Plan Amendment 19-10 subject to the following **Conditions of Approval:**

- 1. All previous Resolutions pertaining to the subject property at 40 Hermosa Avenue shall remain in force and full effect.**
- 2. The building shall be substantially consistent with the plans and application submitted and approved by the Planning Commission on September 17, 2019. The Community Development Director shall review and may approve minor modifications that do not otherwise conflict with the Municipal Code or requirements of this approval. Any substantial deviation, changes to the floor plan, site plan or building exterior shall be subject to review and approval by the Planning Commission.**

3. **Architectural treatments shall be as shown on building elevations, site and floor plans approved by the Planning Commission on September 17, 2019.**
4. **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.**
5. **The project shall fully comply with all requirements of the C-1 zone as applicable and the Condominium Ordinance in Chapter 17.22 of the Municipal Code.**
6. **The plans and construction shall comply with all requirements of the HBMC Title 15 and the California Building Code as adopted by the City of Hermosa Beach.**
7. **The applicant shall submit all required plans and reports to comply with the City's construction debris recycling program including manifests from both the recycler and County landfill; at least 65% of demolition debris associated with demolition of the existing improvements and new construction shall be recycled.**
8. **The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
9. **Prior to issuance of a Building Permit, abutting property owners and residents within 100 feet of the project site shall be notified of the anticipated date for commencement of construction.**
 - a) **The form of the notification shall be provided by the Planning Division of the Community Development Department.**
 - b) **Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.**
10. **Project construction shall conform to the Noise Control Ordinance requirements in HBMC Section 8.24.050. Allowed hours of construction shall be printed on the building plans and posted at construction site.**
11. **The project and operations shall comply with all requirements of the City of Hermosa Beach Building Division, City of Hermosa Beach Public Works Department and Los Angeles County Fire Department, and the City of Hermosa Beach Municipal Code.**
12. **Prior to the submittal of plans to the Building Division for plan check, an 'Acceptance of Conditions' affidavit and recording fees shall be filed with the Planning Division of the Community Development Department stating that the applicant/property owner is aware of, and agrees to accept, all of the conditions of this permit of approval.**

- 13. Project construction shall protect private and public property in compliance with HBMC Sections 15.04.070 and 15.04.140. No work in the public right of way shall commence unless and until all necessary permits are attained from the Public Works Department including if required, an approved Encroachment Permit.**
- 14. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation hereafter adopted that is applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.**
- 15. The Planning Commission may review this Precise Development Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood or to the public safety and welfare resulting from the subject use pursuant to the procedures for modification/revocation in the HBMC.**
- 16. Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.**

Section 6. This permit shall not be effective for any purposes until the permittee and the owners of the property involved have filed at the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this permit.

The Precise Development Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to 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. 19-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 September 17, 2019.

David Pedersen, Chair

Ken Robertson, Secretary

September 17, 2019
Date