

RESOLUTION NO. 19-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A MOTEL PROJECT, THEREBY OVERTURNING THE PLANNING COMMISSION'S DENIAL OF PDP 19-2 AND PARK 19-2, AND APPROVING A REQUEST TO ALLOW A SIX-UNIT MOTEL PROJECT BY CONSTRUCTING A NEW THREE-STORY, DETACHED 2,744 SQUARE FOOT COMMERCIAL BUILDING CONTAINING FIVE UNITS, TO BE CONSTRUCTED BEHIND THE EXISTING 1,841 SQUARE FOOT SINGLE-FAMILY RESIDENCE WHICH WILL BE CONVERTED TO AN ADDITIONAL MOTEL UNIT, AND APPROVING A PARKING PLAN TO ALLOW THE SIX-SPACE PARKING REQUIREMENT TO BE MET WITH FOUR ON-SITE SPACES (INCLUDING ONE TANDEM SPACE) PLUS PAYMENT OF FEES IN-LIEU OF PROVIDING THE TWO SPACES ON-SITE, ON A 4,023 SQUARE FOOT LOT IN THE C-2 (RESTRICTED COMMERCIAL) ZONING DISTRICT AT 70 10TH STREET; AND ADOPTING THE MITIGATED NEGATIVE DECLARATION.

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. An application was filed by B&J Capital Investments on March 21, 2019, requesting approval of Precise Development Plan 19-2 to allow a six-unit motel project by constructing a new three-story, detached 2,744 square foot commercial building containing five units, to be constructed behind the existing 1,841 square foot single-family residence which will be converted to an additional motel unit, and a Parking Plan 19-2 to allow the six-space parking requirement to be met with four on-site spaces (including one tandem space) plus payment of fees in-lieu of providing the two spaces on-site, 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 June 18, 2019 at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission. The Commission expressed continued concerns with anticipated parking impacts by not providing enough parking spaces on-site for the motel use and ancillary registration office. The Commission continued the item to a later date and requested the applicants work on a design solution that would provide additional parking spaces or reduce the number of units thereby reducing the number of parking

spaces required.

SECTION 3. The applicants, after considering and discussing options and alternatives with staff, decided to maintain the previously proposed site layout, physical building design and number of motel units but removed the registration office. The applicants proposed supplemental operational adjustments and parking/vehicle reduction strategies as part of their second iteration of the project.

SECTION 4. The Planning Commission conducted another duly noticed public hearing to consider the second iteration of the project with supplemental operational adjustments and parking/vehicle reduction strategies on August 20, 2019, at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission. During the deliberations on the project, the Planning Commission noted that they could not support the project based on there being too many motel units with not enough on-site parking and that nearby public parking supply is already strained and would not provide sufficient parking capacity for the project. At the conclusion of the hearing, the Planning Commission voted 4-1, to deny the project and adopted PC Resolution 19-14 that evening.

SECTION 5. On August 27, 2019, the City Council, pursuant to Section 2.52.040 of the Municipal Code, initiated review of the Planning Commission decision.

SECTION 6. Public notice was provided for the October 10, 2019 City Council hearing. However, Staff needed additional time to complete the report and was unable to attend the meeting, which had been moved from its regular date to Thursday night October 10, 2019. Therefore, staff requested the item be continued to the October 22, 2019 hearing and the City Council continued the item to the date certain.

SECTION 7. The City Council of the City of Hermosa Beach conducted a duly noticed public hearing to consider the project on October 22, 2019, at which time testimony and evidence, both oral and written, was presented to and considered by the City Council.

SECTION 8. All legal prerequisites to the adoption of this Resolution have occurred.

SECTION 9. Pursuant to the California Environmental Quality Act, the City prepared a Mitigated Negative Declaration (MND) for the proposed project. The MND identified that potential impacts related to generation of excessive groundborne vibration or groundborne noise levels were potentially significant, but this impact was determined to be less than significant with a measure to ensure that vibration levels would be reduced if they reach a certain level and standard conditions of approval for this project. On May 23, 2019 a notice of intent to adopt a Mitigated Negative Declaration (filing number 2019144257) was recorded and published online on the Los Angeles County Clerk CEQA Notice page and notice to the public was provided on the City's website the same day. The 20 day public review period began on May 25, 2019 and ended on June 6, 2019. No comments were received. A public hearing was held at the time of the Planning Commission's consideration of the request on June 18, 2019 and August 20, 2019 and a public hearing was held at the time of the City Council's consideration of the request on October 22, 2019.

The use of heavy construction equipment has the potential to exceed allowable groundborne vibration levels. The adjacent residence to the west at 64 10th 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 monitoring and vibration reduction 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 10th 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 in a timely manner.”

A condition of approval is also included which provides specificity on how this mitigation measure must be implemented stating that “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.”

The Mitigated Negative Declaration prepared for this project reflects the City’s independent judgment and analysis. The City Council finds that, with implementation of the above-referenced 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 City Council hereby adopts the Mitigated Negative Declaration. The record of proceedings for this MND are maintained in the Hermosa Beach Community Development Department 1315 Valley Drive, Hermosa Beach CA 90254.

On May 13, 2019 the City provided a courtesy notification letter to the Gabrieleno Band of Mission Indians – Kizh Nation Tribe advising them of the revised project at 70 10th Street (the tribe had been consulted on an earlier iteration of the same project). The only change to the project previously considered by the Tribe was to the project uses (from the previously proposed office and retail uses to the current proposed motel use). The construction activities and building and site design will be no different. On July 1, 2019 the Tribe agreed with concluding the consultation process for the revised project at 70 10th Street because they consulted on the initial 70 10th Street project and there is minimal change to the project uses (from the previously proposed office and retail uses to the current proposed motel use) and because the construction activities and building and site design will be no different. As such, the City Council adopts the Mitigated Negative Declaration.

SECTION 10. General Plan Consistency: PLAN Hermosa, the City’s General Plan, was

adopted by the City Council in August 2017. The project supports several PLAN Hermosa goals and policies that are listed below.

The site is located within the Community Commercial (CC) General Plan land use area and the purpose is to provide opportunities and locations for uses designed to serve the shopping, dining, and employment desires of the entire community. Residential uses are not allowed in this designation as its intent is to promote and protect retail, office, and service uses that diversify the City's tax base. The appropriate intensity range is between a Floor Area Ratio of 0.5 to 1.25.

The site is also located within the Downtown District Character Area where the types of uses are to provide services and activities associated with the local beach culture to residents as well as visitors to the city. The intent of the Downtown District is to enhance the building form and orientation while specifically transforming the realm on Hermosa Avenue. Any new buildings should pay close attention to and contribute to the high quality pedestrian environment provided throughout Downtown. First floor street front businesses should include sales tax-generating commercial uses to promote lively pedestrian activity on Downtown streets. Development along Hermosa Avenue should conform to recommendations of the Downtown Revitalization Strategy to realize a town-scale Main Street environment that supports pedestrian activity and local serving commerce. Many of the unique buildings, streetscape features, and public spaces are iconic or historic in nature, and new buildings should be carefully integrated to retain the town's eclectic charm. In addition, buildings should be two to three stories in height, cover most or all of the parcel, and may abut neighboring structures. Development should enhance the area's role as a visitor destination by facilitating the development of boutique hotels (and motels) that provide specific benefits to the community. Once Downtown, walking and bicycling are the primary means for traveling around Downtown while vehicles are accommodated through consolidated parking lots and metered street parking. Downtown parking should be provided off-site through public or private shared parking facilities, with any on-site parking situated to the rear of the buildings and/or hidden and screened.

The project will have a total Floor Area Ratio of 1.14, and the motel use is an appropriate use within the CC General Plan land use area and Downtown District and will provide overnight

accommodations and employment opportunities for the entire community and visitors. The project is pedestrian-oriented with two of the six motel units provided on the ground floor level. The existing single-family residential structure will be retained and the new building will be carefully integrated to retain the town's eclectic charm. The new building will be three stories in height and will directly abut the neighboring residences at 64 10th Street and 69 10th Court. Required parking is provided through a mixture of four on-site tuck-under spaces, with payment of fees in-lieu of providing the two parking spaces on-site. The project is conditioned to require a bicycle rack for at least eight bicycles be maintained on-site at all times and that a minimum of four shared bicycles be provided on-site for motel guests and that the motel promote their availability when making reservations online. The project incorporates an electric vehicle charging station and designates an area on the roof for future solar panels. Additionally, the project will comply with the current edition of the California Building Codes, including the Green Code (Title 24 Part 11) and Energy Code (Title 24 Part 6) as adopted by the City of Hermosa Beach (HBMC Title 15).

The project is consistent with the goals and the following policies of the General Plan: Land Use policies 1.5 (balance resident and visitor needs), 1.6 (scale and context), 1.7 (compatibility of uses), 1.9 (retain commercial land area), 1.10 (transition between uses), 3.1 (unique districts), 5.1 (scale and massing), 5.2 (high quality materials), 5.5 (preservation and adaptive reuse), 5.6 (eclectic and diverse architecture), 6.6 (human scale buildings), 6.7 (pedestrian oriented design), 6.8 (balance pedestrian and vehicular circulation), 8.3 (land use regulations), 8.5 (new accommodations), 10.5 (adaptive reuse and sustainable development), Mobility Policies 3.3 (active transportation), 3.5 (incentivize other modes), 4.3 (reduce impacts), 4.5 (sufficient bicycle parking), 4.6 (priority parking), 4.8 (ensure commercial parking) and 8.4 (utilize alleys), and Sustainability and Conservation Policy 4.1 (renewable energy generation).

As noted above, this proposal balances many of the competing interests at issue. The proposal retains and adaptively reuses the historic structure on the site, which in turn maintains the scale and harmony of the project with the surrounding neighborhood. The proposal also redevelops an underutilized and dilapidated property. The proposal has been reduced in size while still providing these other land use benefits. Therefore, the project is consistent with and implements

the City's long-term vision provided in the General Plan and the project allows the City to meet many of its goals.

SECTION 11. Based on the testimony and evidence received, the City Council 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 10th Court) is located at the subject property's west property line and the front residence (64 10th Street) is located approximately three feet from the subject property's west property line. The proposed building is designed with the motel guest 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 is provided from 10th Court. Motels are permitted by right within the C-2 zone and all noise from the motel 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 is required to be downcast so to not disturb neighboring residential uses. The project is conditioned 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 will be adaptively re-used as one of the motel units, 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 porch 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 and the previously proposed 212 square foot ancillary registration office on the first floor will now be used as additional living room area. An off-site property management company will assist with concierge services and tenant check in and checkout. Daily cleaning services will be provided by an outside cleaning service whose employees will be dropped off and picked up. The motel units will be

"smart units" where the renters will be able to access information and pay online. All units will be keyless entry. 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:* See **SECTION 11** findings detailed below.

3. *The combination of uses proposed, as they relate to compatibility:* The subject site will contain a total of six motel units. The single-family residence will be converted to one of the motel units. Motels are permitted by right within the C-2 zone, and all noise from the motel use operations will be contained within the fully enclosed building. The on-site motel use 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 expected to be two additional trips during a.m. and p.m. peak hours which is 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 10th 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 and will occupy less than 5% of the roof area (approximately 3.45%). No signage is currently proposed. The project is conditioned to require 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 motel guest 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 (10th 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 the anticipated 12-18 month construction period 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. Motels are permitted by right within the C-2 zone, and all noise from the motel use operation will be contained within the fully enclosed building, with the exception of the front porch (fronting

along 10th Street) 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 and the previously proposed 212 square foot ancillary registration office on the first floor will now be used as additional living room area. An off-site property management company will assist with concierge services and tenant check in and checkout. Daily cleaning services will be provided by an outside cleaning service whose employees will be dropped off and picked up. The motel units will be "smart units" where the renters will be able to access information and pay online. All units will be keyless entry. 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 10th 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 Mitigated Negative Declaration requires compliance with a mitigation measure requiring that, "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 10th 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 in a timely manner."

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.

HBMC Section 8.12 requires adequate solid waste collection and disposal facilities for all developments. A minimum four cubic yard roll off container is needed for the six- unit motel use. A fully enclosed trash enclosure with a roof will be provided along the west side of the existing structure where the container can be rolled to the edge of the property along 10th Street. Although that space is not large enough to meet the minimum dimensions for a standard or compact parking stall, the area has been informally used to park vehicles, such as a golf cart. The applicant proposes to provide parking spaces for two neighborhood electric vehicles (golf carts) at the northwest corner of the property with one vehicle provided on-site for motel guests. The project is conditioned to require the area be adequately signed to limit parking to two tandem neighborhood electric vehicle spaces and that the applicant provide one vehicle on-site for motel guests. 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 (included as a condition of approval within this resolution), the project will not result in any significant environmental impacts.

10. Other considerations that, in the judgment of the Planning Commission, or City Council on reconsideration, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

The project is conditioned such that upon final approval of the Precise Development Plan 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.

The applicants propose to install an electric vehicle charging station and the adjacent parking space will be non-exclusive and may be occupied by a non-electric vehicle. In addition, an area on the roof has been designated for future solar panels. The size and quantity of panels will be determined at time of plan check and are subject to a separate permit. Additionally, the project will comply with the current edition of the California Building Codes, including the Green Code (Title 24 Part 11) and Energy Code (Title 24 Part 6) as adopted by the City of Hermosa Beach (HBMC Title 15). The project energy consultant will prepare calculations to illustrate compliance with the minimum standards to meet code. The California Building Codes and Green and Energy Codes require installation of building insulation, energy windows, occupancy/vacancy sensors on outlets and light fixtures, motion sensor light fixtures within stairways, energy efficient light fixtures (LED or florescent) throughout the interior and exterior and require compliance with mandatory star rated energy efficient mechanical systems, appliances, and electronics such as televisions to ensure no wasteful, inefficient, or unnecessary energy consumption. Therefore, the project will not result in wasteful, inefficient or unnecessary consumption of energy. While the proposal is not perfect due to limited space for parking on this constrained site, this proposal balances so many of the competing interests at issue here. The proposal retains and adaptively reuses the historic structure on the site, which in turn maintains the scale and harmony of the project with the surrounding neighborhood. The proposal also redevelops an underutilized and dilapidated nonconforming property. The proposal has been reduced in size while still providing these other land use benefits.

SECTION 12. Based on the testimony and evidence received, the City Council makes the following factual findings pertaining to the application for a Parking Plan pursuant to HBMC Section 17.44.210:

A Parking Plan is requested to allow the six-space parking requirement to be met with four on-site spaces (including one tandem space) plus payment of fees in-lieu of providing two parking spaces on-site.

HBMC Section 17.44.210 provides that a Parking Plan may be approved to allow for a reduction in the number of spaces required. The proposal is to allow this reduction both through payment of fees in-lieu of providing all required spaces on-site and for use of a tandem parking space to count towards required parking. Pursuant to HBMC Section 17.44.210 “The applicant shall provide the information necessary to show that adequate parking will be provided for customers, clients, visitors and employees or when located in a vehicle parking district, the applicant shall propose an in-lieu fee according to requirements of this chapter.” Factors such as the following shall be taken into consideration: van pools, bicycle and foot traffic, common parking facilities, varied work shifts, valet parking, unique features of the proposed uses, peak hours of the proposed use as compared with other uses sharing the same parking facilities especially in the case of small restaurants or snack shops in the downtown area or in multi-tenant buildings, and other methods of reducing parking demand.

The property is located within the Downtown District where the General Plan emphasizes and supports the following parking design goals: A park-once district that allows centralized, *shared parking facilities* providing pedestrian connections at multiple destinations; and *parking should be provided off-site through public or private shared parking facilities*, with any on-site parking situated to the rear of the buildings and/or hidden and screened.

General Plan Mobility Goal 4 aims to provide *innovative parking supply solutions which will be used to provide a variety of services tailored to different users in addition to adopting policies that will incentivize targeted business and commercial development of shared parking solutions*. Policy 4.1 aims to facilitate park-once and shared parking policies among private developments that contribute to a shared parking supply and interconnect with adjacent parking facilities.

HBMC Section 17.44.040(E) pertaining to in-lieu parking explicitly states “When the city council provides for contributions to an improvement fund for a vehicle parking district in lieu of parking spaces so required, said in-lieu fee contributions shall be considered to satisfy the requirements of this chapter.” This reflects an agreement with the Coastal Commission as part of our certified Coastal Land Use Plan (LUP) (certified in 1981 and amended as recently as 2004), establishing an approved program for payment of fees in-lieu of providing all required parking

on-site. The basic concept is to allow for the development of smaller properties in the downtown where it is not possible or not practical to provide all required parking on-site. Currently the fee amount is \$28,900 per required parking space not provided on-site. The fee was established by resolution of the City Council and was based on an appraisal completed in July 2006. The in-lieu funds are used to mitigate increased parking demand. The threshold limit was established at 100 parking spaces in 1982 and the City has not yet reached this threshold. To date, the City has approved and collected payment of fees in-lieu for 66 parking spaces. If the applicant's request to pay fees in-lieu of providing the two parking spaces on-site is approved then the City's inventory of available in-lieu spaces will be reduced to 32. Once the City reaches the 100 space threshold additional parking must be constructed or, no additional in-lieu parking may be authorized.

The following is a list of the largest in-lieu parking requests approved by the City to date.

- 20 spaces at 1301 Hermosa Avenue;
- 16 spaces at 906-910 Hermosa Avenue;
- 13 spaces at Pier Plaza;
- 7 spaces at 1429 Hermosa Avenue;
- 5 spaces at 51 Pier Avenue; and
- 5 spaces at 117 Pier Avenue.

Motels require one space for each unit. The proposed project will consist of six motel units which requires a total of six parking spaces. 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 fee in-lieu contributions with approval of a Parking Plan. In addition, a minimum of two parking spaces (25% of six spaces) must be provided on-site, and the proposal is that four parking spaces (66.67%) be provided on-site. The proposed parking is sufficient to satisfy parking demand during peak periods especially with the proposed parking reduction strategies. The applicant also requests the use of one tandem parking space as a method to provide required parking that is planned to be managed through discount pricing for the tandem

space and coordination with off-site management.

The motel will provide the following operational adjustments and parking/vehicle reduction strategies:

- Provide two on-site neighborhood electric vehicles,
- Require that two vehicle free units be provided whenever the property is more than 65% occupied,
- Provide discounts for all occupants that are vehicle free,
- Remove the ancillary registration office/concierge room,
- Contract with a local real estate broker and property management firm and local cleaning service offering drop-off and pick-up of cleaning staff, and
- Require keyless entry for all rooms (which reduces the need for 24-hour on-site registration staffing).

The City's Parking and Traffic consultant provided that peak parking demand for motel uses typically occurs during overnight hours from 9:00 p.m. to 10:00 a.m. daily. Motel uses have peak times which coincide with times of the week where public parking is more available when compared to general retail and office uses. The nearest public surface parking lot, which contains 130 parking spaces, is located approximately 1 block (300 feet) away at 1101 Hermosa Avenue (Lot A) . Lot B contains 37 parking spaces and is located north of 13th Court; between Hermosa Avenue and Beach Drive, and is approximately two and a half blocks (750 feet) away. The public parking structure containing 261 parking spaces located at 13th Street and Hermosa Avenue (Lot C) is located approximately 3 blocks (900 feet) away. The overall public parking lot occupancy for Lots A, B and C is between 79% to 95% during weekday evenings and weekend afternoons. Public parking spaces are provided throughout the Downtown, which is located within Zone 2 of the Coastal Zone public parking supply (between 16th Street and 8th 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 range between 51% and 62% during weekday evenings and weekend afternoons.

Alternative transportation options for motel occupants which may provide parking relief, include

ride sharing services (Uber and Lyft) and bus lines 130 and 109 which have stops along Hermosa Avenue. The Parking Analysis conducted for the proposed Strand and Pier Hotel project (11 and 19 Pier Ave., 1250 and 1272 The Strand, and 20, 30, and 32 13th St.), indicated through traffic counts for the Beach House Hotel (containing 96 rooms) that during the Friday evening peak hour (June 23, 2017), there were 12 Uber/Lyft trips (approximately 35% of the total trips) which suggests that a large portion of motel guests may arrive via Uber/Lyft. Additionally, the applicant has proposed special rates for carless visitors and the location is ideal of guests to walk to many local amenities, including the beach, restaurants and other activities.

A bicycle rack accommodating eight bicycles will be located near the southeast corner of the existing structure. The project is conditioned to require that a bicycle rack, for at least eight (8) bicycles, be maintained on-site at all times and that a minimum of four (4) shared bicycles be provided on-site for motel guests and that the motel promote their availability when making reservations online.

Given the site constraints, fees in-lieu of parking are appropriate and parking reduction measures offered by the applicant further support that the project is adequately parked and the parking plan should be approved. As such, the applicant has demonstrated to the City Councils' satisfaction that adequate parking will be provided and in conjunction with the in-lieu fee, justify approval of the Parking Plan to allow the six-space parking requirement to be met with four on-site spaces (including one tandem space) plus payment of fees in-lieu of providing the two parking spaces on-site.

SECTION 13. Based on the foregoing, the City Council hereby overturns the Planning Commission's decision to deny the project and approves the proposed Precise Development Plan 19-2 and Parking Plan 19-2 subject to the following Conditions of Approval:

1. The project consisting of a six-unit motel development shall be substantially consistent with plans and application submitted and approved by the City Council on October 22, 2019, as modified per subsection 1a-h to the satisfaction of the Community Development Director

and consistent with this approval. 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, provided that the use is not changed, intensity of use is not increased and the arrangement of space would not increase negative impacts. Any substantial deviation, changes to the floor plan, site plan, or building exterior which alter the primary function of the use as a motel shall be subject to review and approval by the Planning Commission.

- a. The front northwest corner of the property, west of the historic structure, shall be dedicated and adequately identified with surface paint as well as vertical (building or pole mounted) signage to accommodate parking spaces for two (2) tandem neighborhood electric vehicles (golf carts) on-site, to the satisfaction of the Community Development Director.
 - b. At least one (1) neighborhood electric vehicle shall be provided on-site for motel guests.
 - c. The previously proposed 212 square foot ancillary registration office/concierge room shall be used as additional living room area.
 - d. Two vehicle-free units shall be provided whenever the property is more than 65% occupied (four units may utilize vehicles & two units shall be vehicle free).
 - e. Discounts shall be provided for all occupants of the motel that are vehicle free.
 - f. A local off-site property management firm shall be utilized to provide services to guests and to maintain the welfare of the residents, and/or commercial and residential establishments nearby.
 - g. An off-site local cleaning service shall provide all cleaning services and employees shall solely be dropped off and picked up.
 - h. All motel units shall be keyless entry “smart units”.
2. Prior to the submittal of structural plans to the Building Division for Plan Check the permittee and the owners of the property involved shall file 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 of the conditions of this permit. The permittee shall record with the Los Angeles County Recorder’s Office the Affidavits of

Acceptance and Resolution(s), and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

3. Upon final approval of the Precise Development Plan and Parking Plan 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 the final of building permits, the applicant shall submit to the Community Development Director for review and approval a business management plan that includes the following:
 - a. Identify all reasonably prudent business practices that the owner or owner's authorized agent will use to ensure that occupants and/or guests will occupy the motel in a manner that complies with all applicable laws, rules, regulations, and permits.
 - b. Identify all reasonably prudent business practices to ensure that the occupants and/or guests of the motel do not create unreasonable noise or disturbances, engage in disorderly conduct or illegal activity, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the motel. Upon notification that any occupant or guest of the motel has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable, law, rule or regulation pertaining to the use and occupancy of the motel, respond in a timely and appropriate manner to immediately halt or prevent a recurrence of such conduct.
 - c. Provide the name, address and telephone number of a local contact person who shall be available 24 hours per day, seven days per week for the purpose of responding to City staff calls pertaining to complaints regarding the condition, operations, or conduct of occupants of the motel or their guests and if directed by

City staff, to personally proceed on-site within thirty (30) minutes from the call to resolve the problem.

- d. Identify all reasonably prudent business practices to ensure that the motel is used for overnight accommodations purposes only. This shall include using all prudent business practices to prohibit the rental to commercial party businesses.
5. Prior to occupancy of a room within the motel, the owner or the owner's authorized agent shall obtain the contact information of the renter. This shall include name, address, phone number, and email. This information shall be maintained by the owner or the owner's authorized agent for a period of one year and be made available upon request to any officer of the City responsible for the enforcement of any provision of the municipal code or any other applicable law, rule or regulation pertaining to the use and occupancy of the motel.
6. 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.
7. In order to compensate for a lack of required parking on-site, the applicant shall contribute fees to the City's parking improvement fund in-lieu of the additional required two (2) parking spaces, as set forth in HBMC Section 17.44.040(E) of the Zoning Ordinance, at the amount of \$57,800 as set forth by resolution of the City Council. The payment of fees in-lieu of required parking shall be made prior to issuance of building permits.
8. The motel shall provide four parking spaces on-site at all times.
 - a. The parking lot shall be designed and striped in compliance with HBMC Chapter 17.44.
 - b. The parking lot shall be fully available for and limited to motel guest parking during all hours of operation.
9. A bicycle rack for at least eight (8) bicycles shall be maintained on-site at all times.

- a. A minimum of four (4) shared bicycles shall be provided on-site for motel guests and the motel shall promote their availability when making reservations online.
10. 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.
11. During the periods of site preparation when heavy equipment is used (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 10th 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 in a timely manner.
12. 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.
13. 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.
14. 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.

15. Lighting for signage must be downcast and non-disruptive to nearby uses and compliant with HBMC Section 17.50 (Signs).
16. A sign permit shall be obtained for new signage at the subject site in conformance with HBMC Section 17.50.
17. A trash enclosure facility with roof, capable of accommodating a minimum four-yard roll off container shall be located along the west side of the existing structure, subject to review and approval of the Community Development Director.
18. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
19. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance HBMC Chapter 8.24 and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
20. The establishment shall not adversely affect the welfare of the residents, and/or commercial and residential establishments nearby.
21. The project must comply with Storm Water and Urban Runoff Pollution Control Regulations (HBMC Ch. 8.44) 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. Low Impact Development calculations and documentation such as Appendix D and E of the Storm Water LID Guidelines must be submitted to the Public Works Department at time of grading and plan check along with an erosion control plan.

22. 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.
23. 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.
24. 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.
25. The project shall maintain in conformance with all other applicable regulatory agency requirements and standards, including but not limited to: Los Angeles County Health Department, California Disabled Access Standards (Government Code Title 24), and Los Angeles County National Pollutant Discharge Elimination System Permit (NPDES).

26. 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.
27. 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.
28. 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.

29. Civil engineering plans shall include adjacent properties/structures, sewer laterals, and storm drain main lines on street.
30. 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.
31. 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.
32. 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.
33. Exterior and interior water use shall comply with HBMC Chapter 8.56.
34. 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.
35. The Planning Commission may review this Precise Development Plan and Parking 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.

36. Approval of this permit shall expire twenty-four (24) months from the date of approval by the City Council, 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 13. 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 of the conditions of this permit.

The Precise Development Plan and Parking 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.

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 14. 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.

SECTION 15. Based on the foregoing, the City Council hereby **APPROVES** Precise Development Plan 19-2 and Parking Plan 19-2, overturning the Planning Commission's denial, and approving the project.

SECTION 16. This Resolution shall take effect immediately. The City Clerk shall certify to the passage and adoption of this Resolution; shall cause the original of the same to be entered among the original resolutions of the City Council; shall make a minute of the passage and adoption thereof in the minutes of the City Council meeting at which the same is passed and adopted; and shall transmit a copy of this Resolution to the Applicant.

PASSED, APPROVED and ADOPTED this 22nd day of October, 2019.

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney