

P.C. RESOLUTION 17-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN TO ALLOW A FOOD AND BEVERAGE MARKET (LAZY ACRES MARKET) WITHIN AN EXISTING 29,653 SQUARE FOOT BUILDING AT 2510 PACIFIC COAST HIGHWAY (CURRENTLY HOPE CHAPEL YOUTH CENTER), CONDITIONAL USE PERMIT FOR OUTDOOR DINING ACCESSORY TO THE PROPOSED FOOD AND BEVERAGE MARKET; AND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM.

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

Section 1. An application was filed by Bristol Farms, requesting approval of Precise Development Plan 16-6 to allow a food and beverage market (Lazy Acres Market) within an existing 29,653 square foot building at 2510 Pacific Coast Highway (currently Hope Chapel youth center), and Conditional Use Permit 16-2 for outdoor dining accessory to the proposed food and beverage market.

Section 2. The Planning Commission conducted duly noticed public hearings to consider the application on November 15, 2016 and April 18, 2017, at which time testimony and evidence, both oral and written, was presented to and considered by the Planning Commission.

Section 3. Based on the testimony and evidence received, the Planning Commission makes the following factual findings:

1. The site is zoned C-3 which allows food and beverage markets by right. Surrounding uses consist of restaurants, a church, general office, and residential to the rear.
2. The project is a renovation of an existing 29,653 square foot building to accommodate a commercial supermarket (Lazy Acres Market). The proposal retains the original square footage and footing of the existing building, originally constructed in 1963 or earlier as a supermarket, and previously occupied by Lucky's and Albertson's markets. It is currently used by Hope Chapel Church as a youth center. (Hope Chapel's main facilities are adjacent to the proposed supermarket, in the existing 2420 Pacific Coast Highway building located immediately south of the subject building.) The project consists primarily of interior renovations, with demolition and removal of existing non-structural elements in the building and construction of new non-structural elements. Exterior modifications to the building include new façade treatments on the building's north and west sides (wood siding, stucco, window treatments, entry and exists, architectural canopies and lighting) and modifications to the receiving area on the building's east side. Proposed architectural features include a 38-foot high tower on the north elevation and a 32'-4" hip roof at the northeast corner of the building. Exterior improvements also include an outdoor seating area with 56 seats with tables available as a dining area for market patrons.
3. The proposed modifications to the receiving area on the east side of the building include construction of a loading dock, recessed down four feet from finished floor at the bottom of the truck ramp into the building. When deliveries are not being made, the loading dock will be closed with a vertical section door. Deliveries will also enter the building by hand truck through

a closable entry in the screen wall. A trash compactor will be sited within the same enclosed area. A floor drain will direct drainage from the trash compactor enclosure to the municipal wastewater collection system. The entire receiving area will be covered by an engineered, frame construction patio cover. The proposed project includes construction of two walls in the area of the building's east side. An 8-foot high masonry wall is proposed to replace sections of the existing wrought iron fence adjacent to the neighboring parcel occupied by multi-family residences. The wall will extend 11 feet along the west side of the multi-family residential parcel and 60 feet along the neighboring residential parcel's north property line. The wall will provide a gated opening to preserve the existing pedestrian access to the residential parcel at the same location. A second screen wall is proposed within the subject building's east area to separate the east façade of building and the loading dock area from the rest of the access area (used for vehicular access to the rear of the Hope Chapel building and the south side of the market building). The wall is also intended to provide additional buffering of receiving area activities to adjacent residential neighbors to the east. The east face of the wall will include vine pockets with a decorative vine trellis. The proposed screen wall will be 14 to 17 feet high and extend 114 feet down the length of the access area parallel to the east side of the building.

4. Additional site improvements include reconfiguration of the parking lot layout, asphalt grand and overlay as required for ADA path to/from ADA parking stalls, with new re-striping of the parking lot, and installation of landscaping and underground water filtration equipment. Parking lot landscaping is proposed fronting Pacific Coast Highway (PCH), Artesia Boulevard, and multiple places within the interior of the parking lot.
5. The project proposes to share parking with Hope Chapel Church located on the neighboring lot so the south. The Hermosa Beach Municipal Code (HBMC) requires a total of 119 spaces for the market. The shared parking plan proposes 66 spaces for the sole use of Lazy Acres and a balance of 53 spaces shared with Hope Chapel during peak weekday and weekend periods. Hope Chapel is allotted 147 spaces for its sole use.
6. The market's hours of operation are proposed from 6 AM to 10 PM daily. The outdoor seating area will be in operation from 9 AM to 10 PM daily. There will be no table service, alcohol consumption will not be allowed, and lighting will be timed to turn off automatically at 10 PM. The City prepared a technical noise assessment to identify acoustic impacts of the project, and the study determined that noise generated by diners is likely to be around 65 dBA, but because of the orientation and distance from the dining area to the nearby residences, it would effectively be reduced to approximately 45 dBA, a level that is consistent with current ambient noise levels at the site and compatible with residential use, and well below the 75 dBA threshold recommended for multi-family residences by the California Department of Health. The outdoor seating area will be equipped with audio speakers for music timed to turn off at 10 PM to coincide with store hours. Outdoor audio speakers at the dining area is unlikely to be audible to residences on the east side of the building. However, to ensure that this is so, the acoustic analysis recommends the dining area limit the sound level from audio speakers so that it does not exceed 55 dBA at any location 10 feet from the dining area, and the applicant has integrated this limitation into the proposed project.
7. Truck deliveries will conform to a delivery plan intended to avoid noise impacts to neighboring residents and other nearby land uses. Deliveries will be made by two types of trucks. The market will receive deliveries from 65-foot semi-truck trailers approximately 4 times per day, 7 days a week, occurring between 9 AM and 6 PM at the loading dock. Some of these trucks will

be refrigerated, with a need to maintain refrigeration of the trailer during delivery, and at least two of these deliveries will be made by trucks owned and operated by Lazy Acres. The refrigerated trucks owned by Lazy Acres will shut off their tractor engine during deliveries, and the refrigeration trailer will be connected to a separate power source within the building. All delivery trucks will be prohibited from idling more than five minutes. Deliveries will also be made by smaller, side-loading vendor trucks an average of 20 times per day. Most of these trucks will deliver to the east side of the building, parking near the “alleyway” entrance (the drive aisle located along the east side of the loading dock), and north of the residences. Products will be wheeled by hand truck into the store receiving area through a doorway in the screen wall. Deliveries of this type will occur between the hours of 9 AM and 6 PM. While the exhaust system of most side-loading trucks is three feet above ground level, some of the side-loading trucks (approximately two of the 20 trucks per day) have an exhaust system with the exhaust stack elevated approximately 10 feet above ground level. To avoid noise impacts associated with these higher exhaust systems, side-loading trucks with this elevated stack configuration will make their deliveries at the market’s front entrance in the morning, between 6 AM and 9 AM, or they will park their trucks a minimum of 60 feet from the nearest residential building during normal receiving hours. Pick-up and drop-off service of the trash compactor hauler will be limited to the hours of 9 AM to 6 PM, and is expected to occur two to three times per week.

8. The project includes a Captiveaire Pollution Control Unit (PCU) on the roof to treat the air stream from the kitchen exhaust for removal of smoke and grease particles and to reduce odor.
9. The project also proposes transportation management features to facilitate use of alternative transportation modes by market employees, including:
 - a. a display case/kiosk displaying transportation information regarding:
 - i. transit maps, routes and schedules for routes serving the site;
 - ii. contact information for ridesharing agencies, transit agencies and other transit-related information
 - iii. bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;
 - b. bicycle racks to accommodate employees and customers who bicycle to the site; and
 - c. employee walking/bicycling incentives. Lazy Acres will offer incentives (e.g., local business gift card) each time an employee walks or bicycles to work.

Section 4. Pursuant to the California Environmental Quality Act, the City prepared a Mitigated Negative Declaration (MND) for the proposed project. The MND identified that impacts to Aesthetics and Transportation/Traffic were potentially significant, but with project revisions or conditions could be reduced to a less than significant level. Measures regarding aesthetics were recommended by City staff, and a professional traffic consulting firm prepared a traffic impact analysis which included measures to reduce these project-related impacts, and these have been included as conditions of approval for this project. In the Initial Study, other potential environmental impacts were identified, however, all were considered less than significant. The comment period for the Mitigated Negative Declaration was from October 26, 2016 to November 15, 2016. A notice of intent to adopt a Mitigated Negative Declaration was noticed by publication in the Easy Reader on October 27, 2016 and on the City’s website on October 26, 2016, and a public hearing was held at the time of the Planning Commission’s consideration of the request on November 15, 2016. Comments were received during the public review period.

The proposed project was subsequently revised, and pursuant to the California Environmental Quality Act, the City prepared a Mitigated Negative Declaration for the revised proposed project. The Mitigated Negative Declaration identified that impacts to Noise were potentially significant, but because revisions in the project have been made by or agreed to by the project proponent, there will not be a significant effect on the environment. Measures were recommended by City staff, and the City engaged a professional noise consultant to prepare a technical noise assessment to identify acoustic impacts of the project. The Traffic Impact Analysis of the proposed revised project was amended to address comments received, and the Parking Study of the project was also updated based on revisions to the proposed project. Measures recommended by the professional consultants have been included as conditions of approval for this project. In the Initial Study, other potential environmental impacts were analyzed, however, all were considered less than significant. The comment period for the Mitigated Negative Declaration for the revised proposed project was from March 23, 2017 to April 12, 2017. A notice of intent to adopt a Mitigated Negative Declaration was noticed by publication in the Easy Reader on March 23, 2017 and on the City's website on March 23, 2017, and a public hearing was held at the time of the Planning Commission's consideration of the request on April 18, 2017. No comments were received during the public comment period. The Mitigated Negative Declaration prepared for this project reflects the City's independent judgment and analysis. The Planning Commission finds that 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.

As lead agency, the City is required to adopt a Mitigation Monitoring and Reporting Program (MMRP) when approving or carrying out a project for which a Mitigated Negative Declaration identifies changes the lead agency has required, and/or made a condition of approval, to mitigate or avoid significant environmental effects. In order to monitor performance of the mitigating measures and conditions to ensure that implementation does, in fact, take place, the City has prepared a MMRP in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15074(d) of the California Environmental Quality Act (CEQA) Guidelines. The Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program (MMRP).

Section 5. Based on the testimony and evidence received, the Planning Commission makes the following findings pertaining to the application for the Precise Development Plan and Conditional Use Permit pursuant to H.B.M.C. Sections 17.58.030 and 17.40:

1. *Distance from existing residential uses in relation to negative effects:* The proposed project is located on a commercially zoned lot with the nearest residential uses located adjacent to the building and parking lot, occupying the southeastern border of the property. The adjacent residential use is a 10-unit complex (2411 Prospect Avenue) that was built in the early 1970's. The subject building was granted permits in 2010 to be used as a youth service center and auditorium for Hope Chapel. City records indicate prior use of the building was a supermarket as early as 1963 until the conversion to the youth center in 2010.

The proposed supermarket is designed with the customer entrance/exits on the north side of the building and ancillary outdoor seating along the north side as well. The City engaged a professional noise consultant to prepare a technical noise assessment to identify acoustic impacts of the project, and the study determined that noise generated by diners is likely to be around 65

dBA, but because of the orientation and distance from the dining area to the nearby residences, it would effectively be reduced to approximately 45 dBA, a level that is consistent with current ambient noise levels at the site and compatible with residential use, and well below the 75 dBA threshold recommended for multi-family residences by the California Department of Health. The acoustic analysis included a recommendation to limit the sound level from audio speakers so that it does not exceed 55 dBA at any location 10 feet from the dining area. Conditions of approval limit the use of the outdoor seating area from the hours of 9 AM to 10 PM and restrict the sound levels from outdoor audio speakers not to exceed 55 dBA at any location 10 feet from the dining area.

The delivery areas are located on the east side of the building. Conditions of approval that incorporate noise attenuation measures to buffer sound from delivery areas include:

- a. an 8-foot high masonry replacing sections existing wrought iron fence adjacent to The Victorian condominiums, extending 11 feet along the west side of the condos and 60 feet along the condos' north property line;
- b. a 14- to 17-foot high and 114-foot long screen wall along the east side of loading dock area;
- c. loading dock deliveries limited to hours of 9AM to 6 PM;
- d. refrigerated trucks owned by Lazy Acres to shut off tractor engine during deliveries, and refrigeration trailer to be connected to a separate power source within the building;
- e. all delivery trucks prohibited from idling more than five minutes;
- f. use of delivery parking area near the "alleyway" entrance and north of the residences limited to hours of 9 AM to 6 PM., with products to be wheeled by hand truck into the store receiving area through a doorway in the screen wall;
- g. trucks with elevated stack configuration to make deliveries at market's front entrance in the morning, between 6 AM and 9 AM, or alternatively park trucks a minimum of 60 feet from the nearest residential building during normal receiving hours; and
- h. pick-up and drop-off service of trash compactor hauler limited to the hours of 9 AM to 6 PM.

The project site is urban in character, with generally high levels of existing lighting along Pacific Coast Highway, Artesia Boulevard, and Prospect Avenue. The nearest sensitive receptors are adjacent residential buildings east of the project site. A condition of approval is included which requires all exterior lighting to be downcast and fully shielded, and illumination contained within the property boundaries, thereby minimizing the impact to nearby properties while maintaining appropriate lighting for safety concerns.

2. *The amount of existing or proposed off-street parking in relation to actual need:* Parking is analyzed under the Parking Plan section of this report. With approval of the Parking Plan, the City finds that the site is adequately parked to serve all uses on the site (supermarket, church and commercial office building) during peak periods.
3. *The location of and distance to churches, schools, hospitals and public playgrounds:* The subject site is located adjacent to Hope Chapel and proposes to share parking with the church during peak hours for the church. The application was submitted with input from Hope Chapel regarding their anticipated expansion and operations and how they will coordinate with Lazy Acres to ensure compatibility of the neighboring uses. No impacts are anticipated.
4. *The combination of uses proposed, as they relate to compatibility:* Lazy Acres supermarket will be the only tenant of the existing 2510 Pacific Coast Highway building. The proposed

supermarket includes a primary element of retail with an ancillary outdoor dining area for on-site consumption. It is typical of supermarkets to offer an ancillary dining component for on-site consumption or take-out, and the proposed combination of uses is similar to other established supermarkets such as Vons and Ralphs. No impacts are anticipated.

5. *Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses:* The applicant has integrated into the revised project proposal several specific conditions to address compatibility with the surrounding uses, including:
 - a. a shared parking arrangement with Hope Chapel Church to ensure adequate parking during peak periods for all uses on the site (church, supermarket and commercial office building);
 - b. measures to buffer the adjacent residences from noise from delivery areas, such as new masonry walls, restricted delivery times/areas;
 - c. measures to buffer the adjacent residences from noise from the outdoor dining area, such as restrictions on the hours of use and limitations on sound levels from the outdoor audio speakers; and
 - d. pollution control unit to on the roof to treat the air stream from the kitchen exhaust for removal of smoke and grease particles and to reduce odor;
6. *The relationship of the estimated business-generated traffic volume and the capacity and safety of streets serving the area:* A Traffic Impact Analysis was prepared by the applicant and peer reviewed and accepted by the City. It addressed conversion of the church youth center to the proposed Lazy Acres supermarket, as well as a potential future renovation/expansion at the adjacent Hope Chapel Church (2420 Pacific Coast Highway), and conversion of an existing 15,000 square foot building at 950 Artesia Boulevard, currently occupied by general office uses, to church annex/offices.

The traffic study included Level of Service (LOS) analysis of existing conditions, existing plus project conditions, project opening year without project conditions, and project opening year with project conditions of 12 intersections in the vicinity of the project:

- 8th Street at Sepulveda Boulevard (SR-1);
- 2nd Street at Sepulveda Boulevard;
- Longfellow Avenue at Sepulveda Boulevard;
- Artesia Boulevard-Gould Avenue at Pacific Coast Highway (SR-1);
- 21st Street at Pacific Coast Highway (SR-1);
- 16th Street at Pacific Coast Highway (SR-1);
- Pier Avenue-14th Street at Pacific Coast Highway;
- Gould Avenue at Ardmore Avenue;
- Artesia Boulevard at Prospect Boulevard;
- Artesia Boulevard at Meadows Avenue;
- Artesia Boulevard at Peck Avenue-Ford Avenue; and
- Artesia Boulevard at Aviation Boulevard.

All of the intersections are signalized, except Gould/Ardmore Avenue, which is controlled by a boulevard stop. All intersections operate at an acceptable LOS (LOS D or better) during weekday AM and PM peak hours, with the exception of three:

- Artesia Boulevard-Gould Avenue at Pacific Coast Highway (LOS F at AM peak hour);
- Gould Avenue at Ardmore Avenue (LOS E at AM and PM peak hours; an

- Artesia Boulevard at Aviation Boulevard (LOS F at AM and LOS E at PM peak hours).

All intersections currently operate at an accepted LOS (D or better) during the Sunday mid-day peak hour.

If additional traffic generated by the project is added to current conditions, the LOS for all intersections remains the same, with the exception that the PM peak hour LOS at the Ardmore/Gould Avenue intersection degrades from E to F. For a non-signalized intersection such as this one, the project would have to increase the volume of traffic by 10% or more to be considered a significant impact, according to City of Hermosa Beach traffic thresholds. The project would increase traffic at this intersection by 1.2% at the PM peak hour and 0% at the AM peak hour.

The traffic analysis also examined projected conditions for 2018, when the market is anticipated to open to the public, with future conditions assuming a 1% ambient growth rate in addition to additional traffic from 28 other proposed projects in the vicinity that are currently in different stages of the planning/approval process. Without traffic generated by the Lazy Acres market, the LOS at the studied intersections will remain the same with the following exceptions:

- Gould Avenue at Ardmore Avenue (LOS at the AM peak hour degrades from E to F);
- 2nd Street at Sepulveda (LOS at the AM peak hour shifts from D to E);
- Ford Avenue-Peck Avenue/Artesia Boulevard (LOS at the AM peak hour shifts from D to E); and
- Artesia Boulevard at Aviation Boulevard (LOS at the PM peak hour shifts from E to F).

When traffic generated by the Lazy Acres market is added to the future 2018 conditions, there is no change in LOS. While there is an increase in traffic volumes at nearly all of the 12 intersections, none of the signalized intersections undergoes an increase of 0.05 in the intersection-to-capacity ratio (ICU), the City of Hermosa Beach threshold for signalized intersections. The volume increase at the Gould/Ardmore intersection (the only non-signalized intersection of the analysis) is less than 10%, which is the City's threshold for non-signalized intersections.

The site is currently accessed by vehicles from three curb cuts along Pacific Coast Highway and four curb cuts along Artesia Boulevard. These multiple vehicular ingress/egress points limit impacts to street traffic on Pacific Coast Highway and Artesia Boulevard. The delivery vehicle route, entering on Artesia Boulevard, is designed to limit significant stopping or reversing of vehicles on Artesia Boulevard and Pacific Coast Highway, and is not identified as contributing to a significant impact.

The project also proposes transportation management features (consistent with HBMC Section 17.48 -Trip Reduction and Travel Management), to facilitate use of alternative transportation modes by market employees, including:

- a display case/kiosk displaying transportation information regarding:
 - transit maps, routes and schedules for routes serving the site;
 - contact information for ridesharing agencies, transit agencies and other transit-related information.

- bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.
- bicycle racks to accommodate employees and customers who bicycle to the site; and
 - employee walking/bicycling incentives. Lazy Acres will offer incentives (e.g., local business gift card) each time an employee walks or bicycles to work.

7. *The proposed exterior signs and décor, and the compatibility thereof with existing establishments in the area:* The applicant proposes to alter the existing façade along the north and west sides of the building and minimal renovation the east and south sides of the building. The proposed façade alterations along the north and west sides of the building include installation of wood siding, windows, a metal roof, small decorative canopies, and stucco. The proposed color schemes and decorative style are consistent with other Lazy Acres operated throughout the state which provide a rural barnyard look with a modern urban architectural touch.

The site is on top of a hill at a higher elevation than all surrounding properties. The proposed improvements will be constructed within the existing envelope of the building, but includes height increases involving architectural tower elements to be constructed approximately 32'-4" and 38' from the finished grade. The permissible height limit of the property is 35 feet. However, HBMC Section 17.46.010 allows towers to be constructed above the height limit provided that the towers do not exceed the height limit by more than eight feet and cover no more than five percent of the roof area, and the proposed towers are required to comply with the HBMC.

Residential buildings to the rear of the site are constructed at approximately 25-30 feet in height (2 to 3 stories), while neighboring commercial buildings along Pacific Coast Highway like Hotel Hermosa (2515 Pacific Coast Highway) across the street, are constructed at approximately 30-35 feet, and Hope Chapel located adjacent to the subject building is constructed at 35-40 feet in height. The proposed tower elements are consistent with scale and size of commercial development along Pacific Coast Highway.

Lighting will be installed around the building and will be required to be downcast so to not disturb neighboring uses. Additionally, signage is shown to be installed predominantly along the north side of the building as well as the west side. The project includes a condition to require lighting for signage to be downcast and non-disruptive to nearby uses and compliant with Section 17.50 (Signs) of the Municipal Code. No impacts are anticipated.

8. *The number of similar establishments or uses within close proximity to the proposed establishment:* The proposed supermarket would be similar to two other established supermarkets in the City: Vons (located in the Hermosa Pavilion shopping center at the corner of Pier Avenue and Pacific Coast Highway) and Trader Joe's (located at 110 Pacific Coast Highway). No impacts are anticipated.
9. *Building and driveway orientation in relation to sensitive uses, e.g., residences and schools:* As discussed above regarding traffic impacts, the existing site has three curb cuts along Pacific Coast Highway and four curb cuts along Artesia Boulevard. Traffic patterns will be oriented towards the north and west side of the lot where it is least impactful to nearby residences. Additionally, the customer entrance/exit for the proposed building is located on the

north side of the building with an emergency exit located along the south side of the building pursuant to Fire and Building Code standards.

Mira Costa High School is located along Artesia Boulevard between Harper Avenue/S. Meadows Avenue and Ford Avenue/S. Peck Avenue inside the boundaries of the City of Redondo Beach. The proposed project does not include alterations to existing traffic patterns on and around the site and a Traffic Impact Analysis prepared for the project indicated that the intersection of Ford Avenue/S. Peck Avenue and Artesia Boulevard is projected to operate at LOS E with or without the proposed project. No impacts are anticipated.

10. *Noise, odor, dust and/or vibration that may be generated by the proposed use:* The proposed project has incorporated noise attenuation measures to buffer the adjacent residences from noise emanating from delivery areas, such as new masonry walls, restricted delivery times/areas. Attenuation measures to buffer the adjacent residences from noise emanating from the outdoor dining area include restrictions on the hours of use and limitations on sound levels from the outdoor audio speakers. With the proposed sound-attenuation measures, noise impacts of the supermarket operation are less than significant.

A pollution control unit on the roof will treat the air stream from the kitchen exhaust for removal of smoke and grease particles and to reduce odor. The supermarket operation is not anticipated to generate dust or vibration impacts.

The site is subject to noise from traffic on Pacific Coast Highway. The proposed traffic increase at the site is not anticipated to create significant impacts relative to noise, as the number of increased vehicular trips generated by the project is not great enough to result in a measurable increase in roadway noise. An increase in traffic volumes of at least 26% is necessary to cause a 1 dBA increase in traffic noise. (An increase of 1dBA is well below the level of increase in noise detectable by the human ear; a 3 dBA increase is usually applied as a threshold level at which noise might be considered to have an impact.) The project's approximately 4.5% increase does not approach a 26% increase over current traffic volumes. No impacts are anticipated.

11. *Impact of the proposed use to the City's infrastructure, and/or services:* The site previously operated as a supermarket prior to the existing youth center and auditorium use. Despite the proposed supermarket demanding additional utilities and services to the site as compared to the existing use, the anticipated increase in demand is not expected to impact current infrastructure and/or services.
12. *Will the establishment contribute to a concentration of similar outlets in the area:* The proposed supermarket will be one of three supermarkets in the city. No impacts are anticipated.
13. *Adequacy of mitigation measures to minimize environmental impacts in quantitative terms:* Following the November 15, 2016 Planning Commission public hearing, the applicant modified the project, and the City's Initial Study was updated to analyze the modified project. The Initial Study/Mitigated Negative Declaration determined that, because revisions in the project have been made by or agreed to by the project proponent, there will not be a significant effect on the environment,. Several of the proposed project components were key factors in the

determination that the project would not result in any significant environmental impacts, and as such, those components are included as conditions of project approval.

14. *Other considerations that, in the judgement of the Planning Commission, are necessary to assure compatibility with the surrounding uses, and the City as a whole:* No other impacts are identified.

Section 6. Based on the foregoing, the Planning Commission hereby **approves** the proposed Precise Development Plan 16-6 and Conditional Use Permit 16-2 subject to the following **Conditions of Approval**:

1. **Planning Commission Resolution 10-6 shall hereby be rescinded, and the Precise Development Plan and Conditional Use Permit for the property at 2510 Pacific Coast Highway shall be governed exclusively by the provisions herein.**
2. **The proposed modifications to the building shall be substantially consistent with plans submitted and approved by the Planning Commission on April 18, 2017. The Community Development Director may approve minor modifications that do not otherwise conflict with the Municipal Code or requirements of this approval. Any substantial deviation must be reviewed and approved by the Planning Commission.**
 - a. **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.**
 - b. **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.**
 - c. **Lighting for signage must be downcast and non-disruptive to nearby uses and compliant with HBMC Section 17.50 (Signs).**
 - d. **The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.**
 - e. **The establishment shall not adversely affect the welfare of the residents, and/or commercial and residential establishments nearby.**
 - f. **The architectural towers at the front entrance of the building (north side) shall be subject to the development standards of Hermosa Beach Municipal Code Section 17.46.010. The proposed tower shall not exceed 38 feet in height and shall occupy no more than 5% of the total roof area.**

3. **Two copies of a final landscape plan, consistent with landscape plans approved by the Planning Commission, indicating size, type, quantity and characteristics of landscape materials shall be submitted to the Community Development Department and Planning Division for review and approval prior to the issuance of Building Permits. The final plan shall also include the following:**
 - a. **The applicant shall provide a landscape plan to comply with Hermosa Beach Municipal Code Sections 17.22.060(H) and 8.60.070 to the satisfaction of the Community Development Director and Director of Public Works.**
 - b. **An automatic landscape sprinkler system consistent with Hermosa Beach Municipal Code Section 17.22.060(H) shall be provided, and shall be shown on plans (Building Permits are required).**

4. **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.

5. **Permitted hours of operation shall be 6:00 AM to 10:00 PM daily.**

6. **Outdoor seating along the front of the building shall be allowed only during the hours of 9:00 AM to 10:00 PM. Lighting of this area will be timed to automatically be turned off during the hours of 10:00 PM to 6AM. Outdoor audio speakers will be time to automatically be turned off during the hours of 10:00 PM to 9AM. Sound levels from outdoor audio speakers shall not exceed 55 dBA at any location 10 feet from the outdoor seating area.**

7. **Unloading and loading of delivery vehicles shall be conducted only during the hours of 9:00 AM and 6:00 PM, except as referenced in Condition 8.g.**

8. **Noise attenuation measures shall be implemented by the applicant, to the satisfaction of the Community Development Director, between the east side of the building and the adjacent residences, including:**
 - a. **an 8-foot high masonry wall shall be constructed, replacing sections of existing wrought iron fence adjacent to the residences, extending 11 feet along the west side of the residences and 60 feet along the residences' north property line;**
 - b. **a 14- to 17-foot high and 114-foot long screen wall shall be constructed along the east side of loading dock area;**
 - c. **unloading and loading of delivery vehicles shall be conducted only during the hours of 9:00 AM and 6:00 PM;**
 - d. **refrigerated trucks owned by the market shall shut off tractor engine during deliveries, and refrigeration trailer shall be connected to a separate power source within the building;**
 - e. **all delivery trucks shall be prohibited from idling more than five minutes;**
 - f. **use of the delivery parking area near the "alleyway" entrance and north of the residences shall be limited to hours of 9 AM to 6 PM., with products to be wheeled by hand truck into the store receiving area through a doorway in the screen wall;**
 - g. **trucks with elevated stack configuration shall make deliveries at the market's front entrance in the morning, between 6 AM and 9 AM, or alternatively park trucks a minimum of 60 feet from the nearest residential building during normal receiving hours pursuant to "Exhibit 2 – 60 Foot Radius from Residences" contained in the Air Quality, Greenhouse Gas, and Noise Issues for Lazy Acres, which is attached as a technical appendix to the Mitigated Negative Declaration; and**
 - h. **pick-up and drop-off service of trash compactor hauler shall be limited to the hours of 9 AM to 6 PM.**
9. **The project shall include a Captiveaire Pollution Control Unit, or equivalent system as determined by the Community Development Director, on the roof to treat the air stream from the kitchen exhaust for removal of smoke and grease particles and to reduce odor.**
10. **The project shall comply with all requirements of the Building Division, Public Works Department and Fire Department, and the City of Hermosa Beach Municipal Code.**
11. **Encroachments into the public right-of-way are subject to an encroachment permit approved by the Public Works Department.**
12. **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.**
13. **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 grant of approval.**

14. **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.**
15. **Prior to issuance of a Building Permit, approved civil engineering plans prepared by a licensed civil engineer, and approved by Public Works, addressing grading, undergrounding of all utilities, pavement, sidewalk, curb and gutter improvements, on-site and off-site drainage (no sheet flow permitted), installation of utility laterals, and all other improvements necessary to comply with the Municipal Code and Public Works specifications, shall be filed with the Community Development Department.**
16. **Civil engineering plans shall include adjacent properties/structures, sewer laterals, and storm drain main lines on street.**
17. **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.**
18. **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.**
19. **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.**
20. **Sewer main work may be required after review of sewer lateral video.**
21. **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.**
22. **The Planning Commission may review this Precise Development Plan and Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use pursuant to the procedures for modification/revocation in the HBMC.**
23. **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.

24. 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.
25. The form of the notification shall be provided by the Planning Division of the Community Development Department.
26. Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.
27. 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.
28. During construction traffic control measures, including flagmen, shall be utilized to preserve public health, safety, and welfare.
29. The following traffic mitigation measures must be provided on the market site, to the satisfaction of the City's Community Development Director:
 - a. provide a display case/kiosk displaying transportation information including:
 - i. transit maps, routes and schedules, for routes serving the site;
 - ii. contact information for ridesharing agencies, transit agencies, and other transit related information;
 - iii. bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;
 - b. bicycle racks shall be installed to accommodate employees and customers who bicycle to the site; and
 - c. employee walking/bicycling incentive. Lazy Acres shall provide a program that provides incentives (i.e. local business gift card) each time an employee walks or bicycles to work.

Section 7. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.

The Precise Development Plan and Conditional Use Permit 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 grant. 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 8. 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.

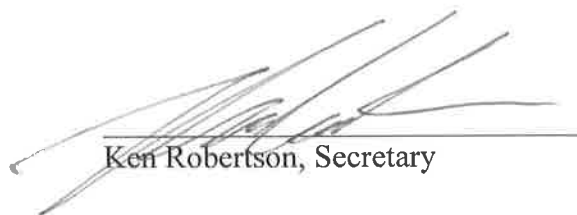
VOTE:	AYES:	Comms.Hoffman,Rice,Saemann,Chmn.Flaherty
	NOES:	None
	ABSTAIN:	None
	ABSENT:	Comm.Pedersen

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 17-13 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 April 18, 2017.



Michael Flaherty, Chairman



Ken Robertson, Secretary

April 18, 2017
Date