Honorable Chairman and Members of the Hermosa Beach Planning Commission

Regular Meeting of July 17, 2007

SUBJECT:

MINOR MODIFICATIONS TO PRECISE DEVELOPMENT PLAN 06-11;

CONDITIONAL USE PERMIT (CONDOMINIUM) 06-2; AND PARKING PLAN

06-5

LOCATION:

1429 HERMOSA AVENUE

APPLICANT:

MICHAEL T. FLAHERTY 2301 ROSECRANS AVENUE EL SEGUNDO, CA 90245

REQUESTS:

TO APPROVE MINOR MODIFICATIONS TO THE PREVIOUSLY APPROVED

THREE-STORY OFFICE CONDOMINUM BUILDING WITH A RESTAURANT AND SNACK SHOP ON THE FIRST FLOOR LOCATED AT 1429 HERMOSA

AVENUE

Recommendation:

To approve the minor modifications by Minute Order.

Background:

ZONING: C-2 Restricted Commercial

GENERAL PLAN: Commercial Recreation

LOT SIZE: 11,516 Sq. Ft.

PROPOSED BUILDING SIZE: 19,443 Sq. Ft. (gross, including common areas)

OFFICE CONDOMINIUM UNITS / SIZE: 32 offices plus 1 conference room

PARKING PROVIDED ON SITE: 34 Spaces

On October 17, 2006, The Planning Commission approved a Precise Development Plan, Conditional Use Permit, Vesting Tentative Tract Map, and Parking Plan for a new 19,443-square foot three-story office condominium building with a first-floor restaurant and snack shop at 1429 Hermosa Avenue.

Analysis:

Due to unforeseen structural changes, the applicant is requesting approval of a number of minor modifications to the previously approved project.

Condition of Approval No. 1 allows minor modifications to be approved by the Community Development Director, however all changes must be confirmed by the Planning Commission as a consent calendar item on the Commission Agenda. The applicant is requesting approval of the following modifications:

Basement Level

Two of the egress stairs have shifted slightly to accommodate handicap assessable parking at grade as required by code. The applicant has also switched two of the compact spaces with the standard spaces on grade. The number of parking spaces has remained unchanged from the original Planning Commission approval.

First-Floor Level

With the accessible parking moved to the east adjacent to Hermosa Avenue, the applicant has added more program area for utilities where an on-site transformer will be housed along the southwest property corner. All cables will be below grade as required by code.

The interiors of the snack shop and restaurant have been omitted from the submittal as they will be part of a tenant improvement processed at a later date. The square footages of the snack shop and restaurant will remain unchanged from the original approval.

Second and Third Floors Levels

Individual office condominium units areas have changed slightly due to structural issues and plan wall rationalizations. The number of units have remained unchanged (32 office condo units), however the location has been slightly modified. Originally, 15 units were on the second-floor and 17 on the third-floor. The located has been modified to 14 units on the second-floor and 18 units on the third-floor. Furthermore, the third-floor conference room has decreased in size.

Building Elevations

The most prominent change to the building elevations is that the second and third floor units have been reversed to accommodate required structural changes. The applicant has also proposed to decrease the amount of glazing due to setback requirements. The overall design system will remain nearly identical to the prior Planning Commission approval.

Summary:

Since the applicant has not increased or decreased the square footage, nor changed the number of units or parking spaces; and that the exterior building elevations will maintain the architectural integrity originally approved by the Planning Commission, staff recommends approval of the proposed minor modifications.

Richard Denniston Associate Planner

CONCUR:

Ken Robertson, Acting Director

Community Development Department

Attachments:

- 1. Location Map
- 2. Planning Commission Resolution 06-30
- 3. Applicant Correspondence (Shop Architects PC)



1429 Hermosa Avenue City of Hermosa Beach



Date Printed: 7/9/2007

P.C. RESOLUTION 06-30

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PRECISE DEVELOPMENT PLAN TO CONSTRUCT A NEW 19,000 SQUARE FOOT THREE-STORY COMMERCIAL BUILDING WITH BASEMENT PARKING CONTAINING OFFICE, SNACK SHOP, AND RESTAURANT USES; A CONDITIONAL USE PERMIT FOR A COMMERCIAL CONDOMINIUM AND VESTING TENTATIVE TRACT MAP NO. 67748 TO DIVIDE THE BUILDING INTO UP TO 35 CONDOMINIUM UNITS (33 OFFICE UNITS ON THE UPPER FLOORS AND ONE RESTAURANT AND ONE SNACK SHOP UNIT ON THE GROUND FLOOR); A CONDITIONAL USE PERMIT FOR OUTDOOR SEATING FOR THE RESTAURANT AND SNACK SHOP; AND, A PARKING PLAN TO BASE THE PARKING REQUIREMENTS ON THE PEAK SHARED PARKING REQUIREMENTS OF THE PROPOSED USES AND TO PAY PARKING IN-LIEU FEES TO COMPENSATE FOR PROVIDING LESS THAN REQUIRED PARKING ON SITE, AND A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS, LOCATED ON PROPERTY AT 1429 HERMOSA AVENUE AND LEGALLY DESCRIBED AS LOTS 15, 16, 17AND 18 HERMOSA BEACH TRACT

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

Section 1. An application was filed by Hermosa Office Condo Partners, L.L.C. owner of property at 1429 Hermosa Avenue seeking approval of a Precise Development Plan, Conditional Use Permit to construct a commercial condominium building containing 35-units, with office, restaurant, and snack shop uses, outdoor seating, and a Parking Plan for reduced parking requirements based on the peak shared parking demand of the proposed uses, and to pay parking in-lieu fees to compensate for less than required parking.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the subject application on October 17, 2006, and considered testimony and evidence both written and oral. Based on the testimony and evidence received the Planning Commission makes the following factual findings:

- 1. The subject site is located on the west side of Hermosa Avenue at its southwest intersection with 15th Street. The property is currently used for a restaurant and snack shop with surface parking
- 2. The project involves the demolition of all existing improvements and the construction of a three story building with subterranean parking, containing restaurant and snack shop uses on the ground floor of the building and offices on the second and third floor, and includes basement parking, and parking on the alley with a total of 34 parking spaces. The total allocation of uses for the project, excluding common areas and the common lobby area, include approximately 13,161 square feet for offices, 3,448 square feet for the restaurant and outside seating area, and 1,495 square feet for the snack shop.

- 4. Since the project is located in the downtown district, the retail and office uses are subject to the parking requirements of Section 17.44.040 which require 3 parking spaces per 1,000 square feet of floor area, and the snack shop use may also be considered a retail use for the calculation of parking requirements subject to approval of a Parking Plan. This results in a aggregate total off-street parking requirement of 77 spaces. There are 34 spaces provided on site, 27 in the subterranean garage, and 7 with direct access on the alley.
- 5. The applicant is requesting consideration of a Parking Plan, pursuant to Section 17.44.210 for a reduced parking requirement, based on the shared peak parking demand of the proposed combination of uses, and also requesting to pay parking in-lieu fees for the deficiency to the shared parking requirements.
- <u>Section 3</u>. Based on the foregoing factual findings the Planning Commission makes the following findings pertaining to the application for a Precise Development Plan, Conditional Use Permit, and Parking Plan:
- 1. The project is consistent with applicable general and specific plans and is in compliance with the use and development requirements of the Zoning Ordinance;
- 2. The site is zoned C-2 and is physically suitable for the type and density of proposed development and the project and the proposed use complies with the development standards contained therein;
- 3. The subdivision or types of improvements are not likely to cause serious public health problems;
- 4. The subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision;
- 5. Design of the proposed subdivision is compatible and consistent with applicable elements of the City's General Plan, and is compatible with the immediate environment;
- 6. The project, as conditioned, will conform to all zoning and condominium laws and criteria and will be compatible with neighboring residential properties;
- 7. Pursuant to Section 17.44.210 of the Zoning Ordinance, which allows a reduction in parking spaces required based on factors including shared parking (i.e. consideration of the differing peak hours of the proposed uses in multi-tenant buildings) the applicant has provided all the information necessary to show that the off-street parking will only be deficient by 7 spaces to actual peak demand, based on the shared parking analysis submitted by Linscott, Law and Greenspan, which shows a peak parking demand for 10:00 A.M. and 2:00 P.M. on weekdays, of 41 spaces.

- 8. The applicant will compensate for the parking deficiency of 7 spaces, by paying a parking in-lieu fee, pursuant to Section 17.44.040
- 9. The general criteria of Hermosa Beach Municipal Code Section 17.58.030 for granting or conditionally granting a Precise Development Plan have been considered. In making this finding, the Planning Commission has determined that:
 - a. The proximity of the project to existing commercial and residential uses in the downtown area will not result in negative effects with incorporation of the conditions below.
 - b. The project is designed to minimize impact on ocean views from residential areas, as the building will be constructed in compliance with the 30-foot height limit of the C-2 zone and its maximum height will be lower than or comparable to the existing building.
 - c. The amount of proposed off-street parking is sufficient for actual need and consistent with the parking requirements for the downtown district.
 - d. The uses proposed are compatible with each other and with the area.
 - e. The capacity and safety of the streets serving the area is adequate for the traffic volume estimated to be generated by the project as shown by the traffic impact analysis prepared by Linscott, Law and Greenspan, which demonstrates that traffic generation will not significantly increase as compared to the existing uses on the site, and the increase will not result in significant impacts on nearby intersections.
 - f. The proposed exterior signs and decor are sufficiently compatible with existing establishments in the area with incorporation of the conditions below.
 - g. Building and driveway orientation is appropriate to minimize noise and traffic impacts on nearby residential areas.
 - h. The project will not result in adverse noise, odor, dust or vibration environmental impacts.
 - i. The proposed use will not result in an adverse impact on the City's infrastructure and/or services.
- 10. The criteria of Hermosa Beach Municipal Code Section 17.58.030(C) for denial of a Precise Development Plan are not applicable. In making this finding, the Planning Commission has determined that:
 - a. The project will not substantially depreciate property values in the vicinity, or interfere with the use or enjoyment of property in such area, because of excessive dissimilarity or inappropriateness of design in relation to the surrounding vicinity.
 - a. The project will not have significant environmental adverse impacts.

- 11. The requirements of Hermosa Beach Municipal Code Section 17.44.040 for granting a Parking Plan for the payment of in-lieu fees for a portion of the required parking, and the policies contained in the Local Coastal Plan, have been considered and are satisfied by the proposal. In making this finding, the Planning Commission has determined that:
 - a. 83% of the required parking is provided on site, to exceed the minimum 25% required for buildings with a greater than 1:1 floor area ratio pursuant to Section 17.44.040(E)
 - b. Sufficient parking exists and is being provided on-site in conjunction with the project to accommodate the parking demand of the project without causing a significant adverse impact on parking that is available to the beach going public.
- 12. The City Council, at its meeting of August 8, 2006, set the parking in-lieu fee of at \$28,900 per required parking space, payable in lump sum prior to issuance of Certificate of Occupancy.

Section 4. Environmental Review.

- 1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the Staff Environmental Review Committee prepared an Initial Study of the potential environmental effects of the proposed project. Based upon the Initial Study, the Committee determined that there was no substantial evidence, in light of the whole record before the City, that the project would have a significant effect on the environment as long as certain mitigation measures are incorporated into the project to address parking issues. City staff thereafter prepared a Mitigated Negative Declaration for the project and duly provided public notice of the public comment period and of the intent to adopt the Negative Declaration. A copy of the Initial Study and Mitigated Negative Declaration are attached hereto and incorporated herein by reference.
- 2. The Planning Commission has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration. Based on the whole record, the Planning Commission finds that: (i) the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) there is no substantial evidence that the proposed project will have a significant effect on the environment with the mitigation measures incorporated. Based on these findings, the Planning Commission hereby adopts the Mitigated Negative Declaration prepared for the proposed project incorporating the following mitigation measure:
 - a. Parking in-lieu fees shall be paid to compensate for the parking deficiency.
 - b. Parking shall be proved for customers and employees free of charge and on a first come first serve basis (i.e. no assigned parking) to maximize the efficient use of the on-site parking facilities.
 - c. The restaurant use shall only be open and in operation on weekday evenings and weekends

. Section 5. Based on the foregoing, the Planning Commission hereby approves the subject Precise Development Plan, Conditional Use Permit, Vesting Tentative Tract Map No. 67748 and Parking Plan subject to the following Conditions of Approval:

- 1. The development and continued use of the property shall be substantially consistent with submitted plans as reviewed by the Planning Commission at their meeting of October 17, 2006, incorporating all revisions as required by the conditions below. Any major modification, including changes in the allocation of uses within the buildings, shall be subject to review and approval of the Planning Commission. Minor modifications may be approved by the Community Development Director but shall not be final until confirmed by the Planning Commission as a consent calendar item on the Commission agenda.
- 2. Final plans for building permit issuance shall be revised to incorporate the following.
 - a. Install appropriate pavement marking (i.e. stop bar with STOP legend) on the project drive aisle just south of the public sidewalk to ensure motorists stop prior to the sidewalk before exiting the site
 - b. Install appropriate signage and pavement right turn arrow on the internal ramp leading to the site driveway indication right-turn only traffic movement at the approach to 15th Street per recommendations in the project parking and traffic report.
 - c. Provision of street trees and tree grates as approved by the Public Works
 Department in coordination with plans to improve Hermosa Avenue, or
 alternatively the owner shall deposit the necessary funds for the improvements to
 be constructed at a later date.
 - d. Decorative paving surfaces for the pedestrian entry, and entries into the parking areas shall be provided.
 - e. On-street parking and parking meter locations shall be reconfigured to maximize on-street parking.
- 3. A revised detailed landscape plan for on-site, and off-site landscaping, consistent with the conceptual plan shall be submitted for review and approval by the Community Development Director prior to issuance of building permits incorporating the revisions below:
 - a. Decorative surfaces shall be provided at driveway entry areas and at the pedestrian entry areas consistent with the submitted plan.
 - b. Street trees shall be provided as per the conceptual landscape plan with final tree location, type, and tree grates to be reviewed and approved by the Public Works Director.
 - c. Bicycle parking shall be provided in a convenient location, to the satisfaction of the Community Development Director.
- 4. In order to compensate for required parking that is not provided on site, the applicant shall contribute fees to the City's parking improvement fund in lieu of the required seven parking spaces, as set forth in Section 17.44.040(E) of the Zoning Ordinance, at the amount of \$28,900 per required space as set forth by resolution of the City Council.

The payment of fees in-lieu of parking shall be made prior to issuance of a Certificate of Occupancy for the building.

- 5. All parking shall be available for free to customers and employees and no parking spaces shall be assigned for exclusive use by any owner, occupant, or tenant.
- 6. A parking management and operations plan shall be submitted for review and approval by the Planning Commission, regarding parking operations, efficiency, signage, and security and control of access, and setting forth a program to ensure free parking for the employees/customers of the building through the use of validation, or passes, or other method, and said plan shall include how the Parking Plan will be enforced including the signage to be posted in the parking facilities. The plan shall be implemented when the building is occupied. The Commission shall review the parking management plan and the operation and efficiency of parking facility 6 months after occupancy of the building.
- 7. Architectural treatment of the building and all finishes shall be as shown on building elevations and site and floor plans. Any modification shall require approval by the Community Development Director.
- 8. A detailed comprehensive sign plan shall be submitted for review and approval by the Community Development Director incorporating specifications for all individual tenant or owner signs that shall be consistent with that plan.
- 9. The allocation uses of the building shall be as shown on the plan, shall be limited to general office, restaurant and snack shop uses allowed in the C-2 zone and as allocated in the project Traffic Impact Study prepared by Linscott, Law and Greenspan dated September 20, 2006, with the following approximate allocation of uses, and shall not include any other uses subject to greater parking requirements.

Office	13,161 SF
Restaurant	3,448 SF
Snack Shop	1,495 SF
Total SF	18,104

The Office allocation does not include stair corridors, common lobby, common locker rooms or storage, and the restaurant allocation includes outdoor seating areas. General office use does not include medical clinics, or retail businesses or services. Any material change in the allocation of uses shall be reviewed and approved by the Planning Commission.

10. A covenant shall be incorporated into the Covenants, Codes and Restrictions for the condominiums and recorded with the property, and with State Department of Real Estate if necessary, stipulating that storage, lockers, lobby and other common areas cannot be converted to condominium office space.

- 11. The restaurant use shall have limited operating hours as follows: Weekday evenings from 5:00 P.M. until midnight, and weekends (Saturdays and Sundays and including Federal holidays) between 7:00 A.M. and midnight.
- 12. Outdoor seating and use of the outdoor courtyard for the snack shop and/or restaurant use shall be limited to between 7:00 A.M. and 10:00 P.M. and no entertainment, speakers, or televisions are allowed in the outdoor seating and courtyard areas.
- 13. The reduced parking requirement as applied to the snack shop is subject to approval by the Planning Commission, pursuant to Section 17.44.030(O) of the Zoning Ordinance, based on tenant improvement plans submitted for a Parking Plan review prior to issuance of permits for interior improvements.
- 14. The restaurant operation, if it includes on sale beer and wine or alcohol requires a Conditional Use Permit, pursuant to Chapter 17.40 of the Zoning ordinance, based on detailed tenant improvement plans submitted for review and approval by the Planning Commission.
- 15. Deliveries shall be permitted only on Hermosa Avenue and shall be scheduled in a staggered manner, and limited to between the hours of 9:00 A.M. and 5:00 P.M.
- 16. The lots that make up the project site shall be merged.

- 17. Final verification of compliance with the height limit requires submittal of revised roof plan with property corner elevations and finished roof heights, and maximum heights identified at the critical points.
- 18. A detailed drainage and (SUSMP) Standard Urban Stormwater Mitigation Plan is required for approval by the Public Works Department, prior to the issuance of building permits and implemented on site, demonstrating best management practices for stormwater pollution control, and for sediment control and erosion control during construction.
- 19. The project shall meet all requirements of the Condominium Ordinance.
 - a. Covenants, Conditions, and Restrictions in compliance with the Condominium Ordinance Section 17.22.120 shall be submitted to the Community Development Department for review and approval prior to the issuance of building permits.
 - b. The Covenants, Conditions and Restrictions shall include all conditions of approval as contained herein, and shall also strictly prohibit any residential use and any use of the condominium units for overnight sleeping purposes.
 - b. Proof of recordation of approved CC & R's shall be submitted to the Community Development Director thirty (30) days after recordation of the Final Map.
- 20. The applicant is responsible for all off-site right-of-way construction required by the Public Works Department, or alternatively, may deposit funds in amount to cover the cost for future right-of-way construction for the Pier Avenue frontage.

- 21. The applicant shall submit all required plans and reports to comply with the City's construction debris recycling program including manifests from both the recycler and County landfill.
- 22. The project shall comply with the requirements of the Fire Department.

- 23. Final building plans/construction drawings including site, elevation, floor plan, sections, details, signage, landscaping and irrigation, submitted for building permit issuance shall be reviewed for consistency with the plans approved by the Planning Commission and the conditions of this resolution, and approved by the Community Development Director prior to the issuance of any Building Permit.
- 24. All roof equipment shall be located and designed to be screened from public view and any portion that exceeds the height limit shall not cover more than 5% of the roof area.
- 25. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
- 26. The Precise Development Plan and Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community Development Department.
- 27. Each of the above Conditions of Approval 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.
- 28. Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
- 29. 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.
- 30. 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 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.

Section 6. 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.

Section 7. Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

VOTE:

AYES:

Hoffman, Allen, Kersenboom, Perrotti, Pizer

NOES:

None

ABSTAIN:

None

ABSENT:

None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 06-30 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of October 17, 2006.

Kent Allen, Chairman

Sol Blumenfeld, Secretary

November 21, 2006

Date

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City Of Hermosa Beach, Hermosa Beach, CA

June 29th 2007



To the Members of the Hermosa Beach Planning Commission,

Please see the attached images and drawings from the proposed project at 1429 Hermosa Avenue. We are submitting these drawings to clarify the changes that have taken place during design development over the last six months. The changes, to us, are of a minor impact aesthetically and do not compromise the original vision of the project which has stayed remarkably intact considering all the realities that are bought to a project in terms of structural and mechanical needs.

As mentioned earlier the main overall change is the addition of our lateral structural system- which has added columns and shear walls in several locations.

Basement Level:

In this level we rationalized our footprint below grade slightly and deleted the level change for cost reasons. Our two egress stairs shifted slightly in plan: one to make the public experience more user friendly and the other so that we could accommodate our accessible parking at grade per code. We switched 2 of our compact spaces with the full spaces on grade. Please note that for the project our number of full and compact parking spaces has remained unchanged throughout this process.

First Floor Level:

As mentioned earlier the accessible parking shifted east so it would be code compliant. We added more program area for utilities, especially electrical – where we need to house an on-site transformer. Please note that all cables will be below grade. Fortunately we were able to remove the garage intakes at grade as we are getting enough fresh air into our basement from the entry ramp.

The interiors of the snack bar and restaurant have been omitted from our drawings as they will be part of a tenant improvement process at a later date. The total areas of the future snack bar and restaurant are identical to the original planning permission, although there are slight variations in the break down between indoor and outdoor space. This has no impact on our parking requirements though.

Second and Third Floor Levels:

The total gross areas of the office condos are identical to our planning permission submission. Individual unit areas have changed slightly, mainly due to structural reasons and trying to rationalize plan walls. We still have 32 office units, including the conference room. Previously this was broken up to be 15 on the second floor and 17 on the third floor. We now have 14 units on the second floor and 18 units on the third floor. On the third floor our Conference Room has decreased in size to better accommodate its intended use.

Elevations:

Our elevations throughout have been based on a system of 'boxes' and 'voids' – which in general become balconies. These were created, in part, to be site sensitive to Hermosa Beach and break down the scale of the building to its

neighbors. The main change is that the second and third floor units have been reversed: units that were previously in a 'box' are now 'voids'. Structurally this made a lot more sense for our units and helped us to incorporate our courtyard stair into our elevation system with more design cohesion. The overall design system will still read as the same as our planning permission design.

To our units in 'boxes' we have added operable windows to improve natural ventilation.

On our west elevation we have decreased the amount of glazing slightly because of set-back requirements and the lack of overhangs on that façade.

Please do not hesitate to contact me if further clarification is needed on any of the items.

Regards,

Susannah Dickinson Project Manager SHoP Architects PC