

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, AND PARKING PLAN TO ALLOW A MIXED USE BUILDING WITH TWO RESIDENCES ABOVE COMMERCIAL ON THE GROUND FLOOR WITH PARKING PROVIDED IN TANDEM AT 44 HERMOSA AVENUE LEGALLY DESCRIBED AS LOT 3, BLOCK 41, 1ST ADDITION TO 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 James LaPoint, owner in escrow of real property located at 44 Hermosa Avenue seeking approval of a Conditional Use Permit, and Precise Development Plan to allow the construction of two residential apartments above commercial on the ground floor and a Parking Plan to allow tandem parking to satisfy parking requirements.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the subject application on January 15, and February 19, 2002, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The subject property is located in the C-1, Neighborhood Commercial Zone. A Conditional Use Permit is required pursuant to the C-1 permitted use list of Section 17.26.030 of the Zoning Ordinance, which provides that “residences, one or more apartments may be located above a commercial building” as a conditionally permitted use. A Precise Development Plan is required pursuant to Chapter 17.58 for new construction of more than 1500 square feet, and a Parking Plan is necessary pursuant to Section 17.44.210 to allow the proposed tandem parking to satisfy required parking.

2. The subject property is currently developed with one-story structures most recently used for a child day care center. The property consists of the two 30-foot wide lots fronting on Hermosa Avenue with alley access to the rear.

3. The applicant proposes to construct a new building with commercial on the ground floor with two attached two-story residential apartments above. Twelve (12) parking spaces are provided along the alley in 6 pairs of tandem parking.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Conditional Use Permit, Precise Development Plan 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-1 Neighborhood Commercial and the project and proposed use complies with the development standards contained therein.

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2 3. Based on Section 17.44.020, the aggregate parking requirement for the proposed uses
3 on this property is eleven spaces, 6 for the 800 square feet of commercial (limited to commercial service,
4 office or retail uses) and 5 for the two dwelling units including one guest space. The plans provide for 12
5 spaces, in 6 pairs of tandem spaces. This is less than the 11 required spaces since the Zoning Ordinance
6 doesn't recognize tandem parking to count towards required commercial spaces. However, pursuant to
7 Section 17.44.210 the Planning Commission may allow for a reduced parking requirement if it is
8 demonstrated that adequate parking will be provided for customers, clients, visitors, and employees.
9 The Commission finds that the tandem parking, if properly managed in accordance with the conditions of
10 approval below, will provide adequate parking.

11 4. The project is Categorically Exempt from the requirement for an environmental
12 assessment, pursuant to the California Environmental Quality Act Guidelines, Sections 15303(b) and
13 15315 with the finding that the project is in an area with available services.

14 Section 5. Based on the foregoing, the Planning Commission hereby approves the subject
15 Conditional Use Permit, Precise Development Plan and Parking Plan subject to the following
16 **Conditions of Approval:**

- 17 1. The development and continued use of the property shall be in conformance with submitted plans, received and
18 reviewed by the Commission at their meeting of February 19, 2002, revised to incorporate the alternative
19 parking layout submitted which provides two-car garages for the residential units and the rest of the parking
20 open. Any minor modification shall be reviewed and may be approved by the Community Development Director.
- 21 2. Occupancy of the commercial space on the ground floor shall be limited to uses permitted in the C-1 zone, and
22 shall not include residential use. Uses that are subject to greater parking requirements, such as
23 restaurants/cafes, snack shops and medical or dental clinics are not permitted unless this Parking Plan is
24 amended to allow these uses.
- 25 3. All garage parking shall be permanently assigned to the residential units with two spaces
26 available for each unit. Outdoor parking not located in front of the residential garages
27 shall be assigned for commercial tenants, and their employees and customers. The
28 remaining outdoor parking located in front of the residential garages shall not be assigned,
29 and shall be available both for residential guest parking and patrons and employees of the
commercial uses. Since these spaces, when occupied, will block access to the residential
garage spaces, their use shall be limited to patrons, employees and residential guests of
the project that remain on the premises. Alternatively, patrons, employees, or residential
guests must make their keys available to someone on the premises who can move their
vehicle to allow for a resident to access or leave the private garage spaces.
4. Signs shall be displayed identifying the assigned parking spaces, and signs shall be posted
on the garage doors to clearly identify the limitations for users of the parking spaces in
front of the garages to ensure access to the private residential garages. The wording of
these signs and a program for managing use of these parking stalls shall be developed by
the applicant subject to approval of the Community Development Director prior to
occupancy of the building. The program shall be implemented on site by the landlord or his
designated property manager or agent.

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- 2 **5. Precise building height information shall be provided on final project plans, which shall**
- 3 **include corner point elevations provided on a detailed roof plan indicating corner points of**
- 4 **the lot, the location of all property lines and maximum and proposed heights at the critical**
- 5 **points on the roof.**
- 6 **6. Architectural treatment shall be as shown on building elevations and site and floor plans.**
- 7 **Any modification shall require approval by the Community Development Director.**
- 8 **7. Two copies of a final landscaping plan indicating size, type, and quantity of plant materials**
- 9 **to be planted shall be submitted to the Community Development Department, Planning**
- 10 **Division for review and approval prior to the issuance of Building Permits**
- 11 **a. At least two street trees shall provided along the Hermosa Avenue frontage subject**
- 12 **to approval by the Public Works Department.**
- 13 **8. There shall be compliance with all requirements of the Public Works Department and Fire**
- 14 **Department**
- 15 **9. Precise building height shall be reviewed at the time of plan check, to the satisfaction of the**
- 16 **Community Development Director.**
- 17 **10. Roll-up Automatic garage doors shall be installed on all garage door openings**
- 18 **11. Two copies of final construction plans, including site, elevation and floor plans, which are**
- 19 **consistent with the conditions of approval of this conditional use permit, shall be reviewed**
- 20 **and approved by the Planning Division for consistency with Planning Commission approved**
- 21 **plans prior to the submittal to the Building Division for Plan Check.**
- 22 **12. Prior to the submittal of structural plans to the Building Division for Plan Check an**
- 23 **Acceptance of Conditions affidavit shall be filed with the Planning Division of the**
- 24 **Community Development Department stating that the applicant/property owner is aware**
- 25 **of, and agrees to accept, all of the conditions of this grant.**

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

The Conditional Use Permit, Precise Development Plan and Parking Plan shall be recorded, and
proof of recordation shall be submitted to the Community Development Department.

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.

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

1 permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the
2 permittee shall no thereafter be responsible to defend, indemnify, or hold harmless the City.

3 The permittee shall reimburse the City for any court and attorney's fees which the City may be
4 required to pay as a result of any claim or action brought against the City because of this grant. Although
5 the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its
6 own expense in the defense of the action, but such participation shall not relieve the permittee of any
7 obligation under this condition.

8 The subject property shall be developed, maintained and operated in full compliance with the
9 conditions of this grant and any law, statute, ordinance or other regulation applicable to any development
10 or activity on the subject property. Failure of the permittee to cease any development or activity not in
11 full compliance shall be a violation of these conditions.

12 The Planning Commission may review this Conditional Use Permit, Precise Development Plan
13 and Parking Plan and may amend the subject conditions or impose any new conditions if deemed
14 necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

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

18 VOTE: AYES: Pizer, Tucker, Kersenboom, Chaiman Perrotti
19 NOES: Hoffman
20 ABSENT: None
21 ABSTAIN: None

22 **CERTIFICATION**

23 I hereby certify the foregoing Resolution P.C. 02-7 is a true and complete record of the action taken by the Planning
24 Commission of the City of Hermosa Beach, California, at their regular meeting of February 19, 2002.

25 _____
26 Sam Perrotti, Chairman

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28 Sol Blumenfeld, Secretary

29 _____
Date

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