

July 9, 2003

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
July 15, 2003**

SUBJECT: TEXT AMENDMENT 03-11

TO ALLOW CONDOMINIUMS AS A PERMITTED FORM OF  
OWNERSHIP IN RESIDENTIAL/COMMERCIAL DEVELOPMENTS IN  
THE C-1 ZONE

**Recommendation:**

To recommend the City Council amend the permitted use list, to clarify that condominiums are permitted in the C-1 zone in residential/commercial mixed use projects.

**Background:**

Section 17.26.030 of the Zoning Ordinance, which lists the permitted and conditionally permitted uses in the C-1, C-2 and C-3 zone, includes residential/commercial mixed use projects as a conditionally permitted use, as follows:

“Residence; one or more apartments may be built above a commercial building.”

Based on the above, only apartments are permitted over commercial uses in the C-1 zone. Staff has inquired with the City Attorney about whether the existing ordinance has sufficient latitude to permit condominiums as well as apartments in the C-1 zone. It is his opinion that since apartments are distinguished from condominiums in the Municipal Code, it is not possible to use these terms interchangeably<sup>1</sup>.

The question of whether or not condominiums can be allowed came up with respect to the mixed-use project proposed at 44 Hermosa Avenue. The Commission approved a mixed-use project with two units at their February, 2002 meeting. The applicant has recently purchased additional property adjacent to this site, and plans to resubmit an application for a three-unit project with a condominium form of ownership.

**Analysis:**

The attached amendment would clarify that a mixed-use project containing residential uses, allowed in the C-1 zone, could include condominiums. The category is proposed to read as follows:

- “Residence: Residential uses above ground floor commercial use(s), including condominium developments.

The proposed change clarifies this section of the code. Condominium ownership, both for the residential units and/or commercial units in a mixed-use project, would not change the use, and

provides opportunities to divide the ownership in a project. This type of ownership would likely result in owner-occupancy of individual units, would certainly not have any negative affects on such projects.

The Commission, at their meetings of July and August of 2002, recommended Council consideration of a much broader set of amendments relating to mixed-use projects, to establish clear standards for mixed-use projects, and to expand opportunities for mixed use to the Pacific Coast Highway and Aviation Boulevard commercial zones. The proposal included making condominium form of ownership and option in mixed-use projects. At this time, staff is recommending the proposed amendment for clarification related to the project on Hermosa Avenue.

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Ken Robertson  
Senior Planner

CONCUR:

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Sol Blumenfeld, Director  
Community Development Department

Attachments  
Proposed Resolution

Tacondos-c1zone

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<sup>1</sup> Apartment means a rental or leased dwelling in a structure designed or used to house two or more families. Condominium means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real estate together with a separate interest in space in a residential, industrial or commercial building on such real property

RESOLUTION P.C. 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO RECOMMEND AMENDING THE ZONING ORDINANCE, CHAPTER 17.26 TO LIST CONDOMINIUMS AS PERMITTED USE IN RESIDENTIAL/COMMERCIAL PROJECTS IN THE C-1 ZONE

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

Section 1. The Planning Commission held a duly noticed public hearing on July 15, 2003, to consider amending Section 17.26.030 of the Zoning Ordinance, which contains the list of permitted uses in the C-1, C-2, and C-3 zones, to allow condominiums and addition to apartment as a conditionally permitted use above commercial in the C-1 zone.

Section 2. Based on the evidence considered at the public hearing, the Planning Commission hereby recommends that the Hermosa Beach Municipal Code, Title 17-Zoning, Chapter 17.26, be amended as follows:

- 1. Amend the matrix contained in Section 17.26.030, C-1, C-2 and C-3 land use regulations as follows (underlined text to be added):

Table with 5 columns: Use, C-1, C-2, C-3, See Section. Row 1: Residence: one or more apartments may be built above a commercial building residential uses above ground floor commercial use(s), including condominium developments. | U | - | - | 17.40.020

VOTE: AYES: NOES: ABSTAIN: ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 03- 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 July 15, 2003.

Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

Date

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