



30-44 Hermosa Avenue

P.C. RESOLUTION 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, AND VESTING TENTATIVE TRACT MAP 60189 TO ALLOW A MIXED USE CONDOMINIUM BUILDING WITH THREE RESIDENCES ABOVE COMMERCIAL ON THE GROUND FLOOR AT 30-44 HERMOSA AVENUE LEGALLY DESCRIBED AS LOTS 1,2 AND 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 30-44 Hermosa Avenue seeking approval of a Conditional Use Permit, and Precise Development Plan to allow the construction of condominium project containing three residences 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 public hearing to consider the subject application on August 19,2003, 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. This section was amended by the City Council to also allow residential condominiums. A Precise Development Plan is required pursuant to Chapter 17.58 for new construction of more than 1500 square feet.

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

3. The applicant proposes to construct a new building with subterranean parking and commercial on the ground floor with three attached two-level residential condominiums units above. Twenty parking spaces are provided with 16 in the subterranean garage and 4 at ground level.

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 and map are consistent with applicable general and specific plans and is in compliance with the use and development requirements of the Zoning Ordinance;

1 2. The site is zoned C-1 and is physically suitable for the type and density of proposed
2 development and the project and proposed use comply with the development standards contained
3 therein;

4 3. The subdivision or types of improvements are not likely to cause serious public health
5 problems;

6 4. The subdivision or type of improvements will not conflict with easements, acquired by the
7 public at large, for access through or use of property within the proposed subdivision;

8 5. Design of the proposed subdivision is compatible and consistent with applicable elements of
9 the City's General Plan, and is compatible with the immediate environment;

10 6. The project, as conditioned, will conform to all zoning and condominium laws and criteria and
11 will be compatible with neighboring residential properties;

12 7. The project provides all required off-street parking.

13 8. The project is Categorically Exempt from the requirement for an environmental
14 assessment, pursuant to the California Environmental Quality Act Guidelines, Sections 15303(b) and
15 15315 with the finding that the project is in an area with available services.

16 Section 5. Based on the foregoing, the Planning Commission hereby approves the subject
17 Conditional Use Permit, Precise Development Plan and Vesting Tentative Tract Map subject to the
18 following **Conditions of Approval:**

- 19 **1. The development and continued use of the property shall be in conformance with
20 submitted plans, received and reviewed by the Commission at their meeting of August
21 19, 2003.**
- 22 **2. Occupancy of the commercial space on the ground floor shall be limited to uses
23 permitted in the C-1 zone, and shall not include residential use. Uses that are subject to
24 greater parking requirements, such as restaurants/cafes, snack shops and medical or
25 dental clinics are not permitted.**
- 26 **3. The project shall meet all requirements of the Condominium Ordinance.**
 - 27 **a) A minimum 5-foot setback shall be provided for the residential condominium units.**
 - 28 **b) Each unit shall have the minimum 200 cubic feet of storage space and plans shall
29 clearly denote storage space and the location of the FAU and vacuum canister, if
provided.**
 - c) Covenants, Conditions, and Restrictions in compliance with the Condominium
Ordinance shall be submitted to the Community Development Department for
review and approval prior to the issuance of building permits.**
 - d) Proof of recordation of approved CC & R's shall be submitted to the Community
Development Director six (6) months after recordation of the Final Map.**
 - e) Requirements of Section 17.22.060(G) & (H) shall be shown on structural plans and
reviewed at the time of Building Division plan check.**

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4. Tandem parking for two spaces per unit shall be permanently assigned to the residential units.
5. Precise building height information shall be provided on final project plans, which shall include corner point elevations provided on a detailed roof plan indicating corner points of the lot, the location of all property lines and maximum and proposed heights at the critical points on the roof.
6. Architectural treatment shall be as shown on building elevations and site and floor plans. Any modification shall require approval by the Community Development Director.
7. Two copies of a final landscaping plan indicating size, type, and quantity of plant materials to be planted shall be submitted to the Community Development Department, Planning Division for review and approval prior to the issuance of Building Permits
8. At least three street trees shall be provided along the Hermosa Avenue frontage subject to approval by the Public Works Department.
9. There shall be compliance with all requirements of the Public Works Department and Fire Department
10. The lots comprising the project site shall be merged in accordance with Section 16.20.110 of the Subdivision Ordinance.
11. The address of each condominium unit shall be conspicuously displayed on the street side of the buildings with externally or internally lit numbers and the method for illumination shall be shown on plans. Addressing numbering and display subject to approval by the Community Development Department
12. Roll-up Automatic garage doors shall be installed on all garage door openings
13. A geotechnical report defining and delineating any seismic hazard and the depth of the water table shall be submitted prior to issuance of building permits, with any mitigation measures incorporated into building plans.
14. Two copies of final construction plans, including site, elevation and floor plans, which are consistent with the conditions of approval of this conditional use permit, shall be reviewed and approved by the Planning Division for consistency with Planning Commission approved plans prior to the submittal to the Building Division for Plan Check.
16. Prior to approval of the Final Map, and prior to issuance of a Certificate of Occupancy, outstanding assessments must either be paid in full or apportioned to any newly created parcels. Notice of same shall be provided to the Community Development Director. Assessment payoff amounts may be obtained by calling the City's Assessment Administrator at (800) 755-6864. Applications for apportionment may be obtained in the Public Works Department.
17. The Conditional Use Permit and Precise Development Plan shall be null and void eighteen months from the date of approval unless building permits have been obtained, and approval of the Vesting Tentative Parcel Map shall become null and void twenty-four months from the date of approval unless the map is finalized and the project

1 implemented. The applicant may apply in writing for an extension of time to the
2 Planning Commission prior to the dates of expiration.

3 **18. Prior to issuance of a building permit, abutting property owners and residents within 100
4 feet shall be notified of the anticipated date for commencement of construction.**

5 a) **The form of the notification shall be provided by the Planning Division of the
6 Community Development Department.**

7 b) **Building permits will not be issued until the applicant provides an affidavit certifying
8 mailing of the notice.**

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

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

15 Each of the above conditions is separately enforced, and if one of the conditions of approval is
16 found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

17 Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees
18 from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set
19 aside, void or annul this permit approval, which action is brought within the applicable time period of the
20 State Government Code. The City shall promptly notify the permittee of any claim, action, or
21 proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the
22 permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the
23 permittee shall no thereafter be responsible to defend, indemnify, or hold harmless the City.

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

29 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.

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

The applicant applied for and obtained approval for a two-unit residence above commercial for the northerly portion of the property, on March 19, 2002. The owners recently purchased the additional parcel at the corner, and have expanded the project.

Pursuant to the commercial permitted use list, Section 17.26.030, "one or more apartments may be built above a commercial building" in the C-1 Zone subject to approval of a Conditional Use Permit. A Precise Development Plan approval is required pursuant to Section 17.58 of the Zoning Ordinance because the project exceeds 1500 square feet. A Conditional Use Permit is also necessary for the condominiums. The City Council, at their meeting of August 12, 2003, approved a text amendment to allow condominiums as a permitted use in the C-1 zone, and the ordinance will go into effect in 45 days.

Analysis

The applicant is proposing a three-story building with two floors of residential and a roof deck above ground floor commercial. The three residences are located side by side and contain three bedrooms and three baths in a split level floor plan. Most of the parking is provided in subterranean level with access from the alley, with additional private garages located with access from the alley and a handicap accessible parking space with access from Lynden Street.

The project is subject to the development standards contained in the C-1 Zone and the development standards of the condominium ordinance for residential condominiums. The Zoning Ordinance does not contain standards specific to residential projects in the C-1 zone that would apply to the residential portion of this project, such as open space, lot coverage, and setback requirements that would typically apply to multiple unit projects in residential zones. Therefore, in addition to reviewing the project for compliance with C-1 requirements and the condominium requirements staff has evaluated the project relative to R-3 development standards for discussion purposes¹. The surrounding residential zoning is R-3, and if the Commission is interested in seeing some consistency in the residential portion of this project relative to surrounding properties these standards could be considered for application to this project. The General Plan designates the property along with a two-block section between 1st Street and south City boundary as Neighborhood Commercial and contains no policies relating to mixed uses or residential uses in this district.

C-1 COMMERCIAL DEVELOPMENT REQUIREMENTS

Pursuant to Section 17.26.050 the only standard that applies to the project in the C-1 zone is the building height (Maximum 30-feet). No setback requirements apply to buildings in the C-1 zone unless the property abuts residentially zoned property. Further, no standards are contained in Section 17.26.050 relating to lot coverage, open space, or landscaping, and no special development standards are contained in section 17.22.100 pertaining to commercial condominiums.

The project complies with the 30-foot height limit of the C-1 zone as the high point on the roof is within 30 feet of the lowest corner point, although the plans do not indicate the maximum building height at the critical point. All required plan information is included in the list of recommended Conditions of Approval.

RESIDENTIAL DEVELOPMENT STANDARDS

Section 17.22.060 contains the development standards for residential condominiums

- The project meets the minimum unit sizes for a three-bedroom unit.
- The project does not comply with the minimum 5-foot front setback for the residential floors of the project. Staff is including compliance with this standard as a condition of approval.
- Enclosed storage is available for each residence within the parking garage, the plans need to clearly show that a minimum of 200 cubic feet of storage space will be provided
- Detailed construction requirements relating to utilities and sound insulation under Section 17.22.060 F and G will be required at building plan check.

For discussion purposes and for Commission consideration if consistency with surrounding residential buildings is deemed appropriate, staff evaluated the project relative to the R-3 residential development standards. The Commission may consider applying some or part of these standards or others deemed appropriate within their purview for discretionary projects that require a C.U.P. and P.D.P.

If the R-3 development standards were applied to the residential portion of the project it would be consistent with the density, height and open space requirements as follows:

- The proposed 3 units are lower than the density allowed on a 7,200 square foot lot in the R-3 zone, which would be 5 units.
- The height limit of the R-3 zone, 30-feet, is the same as the C-1 zone.
- Open space is provided in decks, with a minimum 100 square feet adjacent to primary living space.

However, the following aspects of the project would not be consistent with R-3 standards:

- Lot coverage is over 90%, which is well in excess of the 65% maximum in the R-3 zones.
- No front yard setback is provided while the typical requirement for Hermosa Avenue fronting R-3 lots is 5 feet
- No rear yard setback is provide (the R-3 zone requires 3 feet on the ground floor and 1 foot on the upper floors)
- No side yard is provided along the Lynden Avenue frontage (the R-3 zone requires 5 feet).

After this project was previously reviewed, the Commission considered preliminary development standards for residential/commercial mixed uses, in conjunction with increasing the opportunities for mixed-use projects. When these standards are adopted, future projects will be subject to these development standards.

PARKING

Two parking spaces per residential unit are being provided in tandem. The plans also include a guest space for the residential units in the parking garage, and an additional guest space with access from Lynden (a handicap accessible space). Commercial parking is provided in accordance with code requirements, including 9 spaces in the subterranean garage and 3 in private garages with access from Palm Drive.

CONDITIONS OF APPROVAL

The recommends the following conditions of approval to address the issues noted above:

1. A front yard setback shall be provided for the residential portion of the project to comply with the five-foot front yard setback for residential condominiums, and the plans shall clearly show that 200 cubic feet of storage is available for each residential condominium and final plans shall comply with

all other residential condominium requirements, consistent with Chapter 17.22 of the Zoning Ordinance.

2. The parcels comprising the subject property shall be merged prior to issuance of building permits.
3. Precise building height information shall be provided on final project plans, which shall include corner point elevations provided on a detailed roof plan indicating corner points of the lot, the location of all property lines and the maximum and proposed height at the critical point on the roof.
4. Two exits must be provided from the third floor of the building to comply with the U.B.C. exiting requirements for a three-story building, or other modifications must be made to comply with exiting requirements of the U.B.C.
5. A soils report must be provided prior to approval of construction plans.
6. Covenants, Conditions, and Restrictions in compliance with the Condominium Ordinance shall be submitted to the Community Development Department for review and approval prior to the issuance of building permits.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map
3. Photographs

¹ The C-1 zone formerly contained R-3 development standards in the 1970 edition of the Zoning Ordinance